

AGENDA
CITY OF BERLIN
PARKS & RECREATION COMMISSION MEETING
Wednesday January 7th, 2025 4:30 PM
COUNCIL CHAMBERS, BERLIN CITY HALL, 2ND FLOOR
MEETING IS OPEN TO THE PUBLIC & CITY HALL IS HANDICAPPED ACCESSIBLE

1. Call to Order/ Roll Call
2. General Public Comments.
3. Approval of Minutes. RECOMMENDATION: Approve minutes from November 5, 2025 Meeting.
4. Approval of Revenues and Expenditures. RECOMMENDATION: Approve the revenues and expenditures as presented.
5. Special Events on Streets, Highways and Municipal Parking Lots (Muni Code 18-333) Permit Procedure. RECOMMENDATION: Listen to presentation.
6. New Business
7. Old Business
8. Adjourn

Please note, upon reasonable notice, efforts will be made to accommodate the needs of the disabled individuals through appropriate aids and services. For additional information to request services, contact the municipal Clerk at 920-361-5400.

Note: It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance in the above stated meeting to gather information: no action will be taken by any other governmental body except by the governing body notified above.

CITY OF BERLIN PARKS & RECREATION COMMISSION

MEETING

MINUTES for WEDNESDAY November 5, 2025 4:30 PM

COUNCIL CHAMBERS, BERLIN CITY HALL, 2ND FLOOR

1. Call to Order / Roll Call

Meeting called to order at 4:30 PM .

Present: Kayla Reeves, Tim Bending, Bruce Tetzke, Bobbie Erdmann

Absent: Dr. Emmett Durtschi, Kamie Jorgensen,

City Officials Present: Jessi Balcom, Scott Zabel, Susan Kiener

2. General Public Comments

- Friends of the Berlin Aquatic Center Update presented by Victoria Hill
 - New Mission to raise pledged capital \$1.5 million
 - Partner with City to fund the needed repairs
 - Work with City Council to create a governing board of the BAC
 - \$1 million endowment to produce \$40,000 annual for repairs

3. Approval of Previous Meeting Minutes

A motion was made by Bruce Tetzke to approve the minutes from October 1, 2025 as presented, with a second by Tim Bending. Motion approved.

4. Approval for Revenues and Expenditures.

A motion was made by Tim Bending to approve the Revenue and Expenditures Report as presented, with a second by Bruce Tetzke. Motion approved.

5. Introduction of Senior Center and Recreation Facilities Director, Susan Kiener

- Welcome given to new Senior Center and Recreation Facilities Director.

6. Request for The Gobbler Walk/Run event by Jennifer Leary of Berlin High School Student Council

- November 27, 2025 (Thanksgiving Day)
- 8:15 to 10:00 am
- At Nathan Strong Park about half hour for registration.
- Collecting donations for food pantry.

A motion was made by Bobbie Erdmann to approve the request to use Nathan Strong Park for this event, with a second by Tim Bending. Motion approved.

7. New Business

- Nothing at this time.

10. Old Business

- Nothing at this time.

11. Adjourn

A motion to adjourn was made by Bruce Tetzke, with a second by Bobbie Erdmann. The meeting adjourned at 4:40 pm.

Respectfully Submitted by – Secretary Tim Bending

CITY OF BERLIN
PARKS & RECREATION COMMISSION MEETING
STAFF REPORT

TO: Parks and Recreation Commission
FROM: Brittani Majeskie, Deputy Clerk-Treasurer
AGENDA ITEM: Special Events on Streets, Highways and Municipal Parking Lots (Muni Code 18-333) Permit Procedure
MEETING DATE: January 7, 2026

BACKGROUND:

There has been confusion on the procedures to follow when a Special Events on Streets, Highways and Municipal Parking Lots (Muni Code 18-333) Permit is submitted with an event that takes place at or that impacts City parks (this form is separate from Ball Diamond or Shelter House rentals).

The City of Berlin Municipal Code 50-74 notes that all exclusive usage requests of the parks and park facilities are to be approved by staff within 10 days of the receipt of the request, and only require review by the Park & Recreation Commission if animals are going to be present.

City Administrator presented the concern at the Committee of the Whole meeting on December 2. She included a staff memo describing the forms, usage, and procedures for event requests within the City. She also included sections of the City of Berlin Municipal Code, highlighting the pertinent information. This information has been included with this memo. Also included are the current Special Events on Streets, Highways and Municipal Parking Lots (Muni Code 18-333) Permit and City of Berlin Parks and Recreation Commission Request Form.

At the Committee of the Whole meeting on December 2, the Council directed staff to follow procedures as stated in the Berlin Municipal Code Sec. 18-333 and Sec. 50-74 for events that take place at or impact City parks. Changes to procedures would require direction by the Council to amend the current ordinances.

Consolidated Statement of Activity -Revenue & Expense
City of Berlin WI
For 12/31/2025

Run: 12/31/2025 at 8:30 AM

Page: 1

	Y-T-D Actual	Y-T-D Budget	Variance
Revenues			
100-54-46726-000 SWimming Pool Classes	0.00	250.00	(250.00)
Total Revenues	0.00	250.00	(250.00)
Expenses			
100-54-55300-110 Recreation Salaries	7,372.01	11,703.00	4,330.99
100-54-55300-120 Recreation Wages	0.00	0.00	0.00
100-54-55300-130 Recreation Health & Life Insurance	3,122.77	7,144.00	4,021.23
100-54-55300-133 Recreation Other Employee Benefits	0.00	0.00	0.00
100-54-55300-220 Recreation Utilities	1,619.88	2,000.00	380.12
100-54-55300-290 Recreation Other Contractual Services	0.00	0.00	0.00
100-54-55300-312 Recreation Tickets and Transportation	0.00	0.00	0.00
100-54-55300-320 Recreation Publication Fees	0.00	0.00	0.00
100-54-55300-321 Recreation Dues	0.00	200.00	200.00
100-54-55300-330 Recreation Conferences and Training	105.00	500.00	395.00
100-54-55300-340 Recreation Operating Supplies	464.56	200.00	(264.56)
100-54-55300-360 Recreation Other Repairs & Maintenance	0.00	0.00	0.00
100-54-55300-380 Recreation Equipment & Structures	0.00	0.00	0.00
100-54-55300-415 Recreation Sales Tax	0.00	50.00	50.00
100-54-55300-501 Recreation Social Security	395.06	726.00	330.94
100-54-55300-502 Recreation MedicareE SS	92.35	170.00	77.65
100-54-55300-510 Recreation Insurance Premiums	1,549.24	2,200.00	650.76
100-54-55300-650 Recreation WRF 600	493.03	813.00	319.97
100-54-55320-210 Media Outreach Program Professional Services	0.00	1,000.00	1,000.00
Total Expenses	15,213.90	26,706.00	11,492.10
Excess Revenue Over (Under) Expenditures	(15,213.90)	(26,456.00)	(11,742.10)

Consolidated Statement of Activity -Revenue & Expense
City of Berlin WI
For 12/31/2025

Run: 12/31/2025 at 8:29 AM

Page: 1

	Y-T-D Actual	Y-T-D Budget	Variance
Revenues			
100-52-46720-000 Parks & Playgrounds	6,255.00	7,000.00	(745.00)
100-52-46721-000 Swimming Pool Outdoor	37,281.50	40,000.00	(2,718.50)
100-52-46722-000 Concession Stand	17,205.50	25,000.00	(7,794.50)
100-52-46723-000 Campground Fees	18,947.05	22,500.00	(3,552.95)
100-52-46724-000 Ball Field Usage Fees	0.00	500.00	(500.00)
100-52-48500-000 Donations to Parks	1,100.00	0.00	1,100.00
Total Revenues	80,789.05	95,000.00	(14,210.95)
Expenses			
100-52-55200-112 Parks Overtime	0.00	0.00	0.00
100-52-55200-120 Parks Wages	87,628.97	93,821.00	6,192.03
100-52-55200-130 Parks Health & Life Insurance	21,413.40	28,694.00	7,280.60
100-52-55200-133 Parks Other Employee Benefits	0.00	725.00	725.00
100-52-55200-220 Parks Utilities	21,680.38	25,000.00	3,319.62
100-52-55200-340 Parks Operating Supplies	17,717.87	20,000.00	2,282.13
100-52-55200-345 Parks Property Services - Vehicles	5,270.23	6,300.00	1,029.77
100-52-55200-353 Parks Flower Beds & Fertilizer	4,654.87	6,500.00	1,845.13
100-52-55200-360 Parks Other Repairs & Maintenance	116.21	3,000.00	2,883.79
100-52-55200-380 Parks Equipment & Structures	10,330.84	12,000.00	1,669.16
100-52-55200-391 Parks Uniforms	123.00	500.00	377.00
100-52-55200-415 Parks Sales Tax	105.51	1,400.00	1,294.49
100-52-55200-501 Parks Social Security	4,929.13	5,817.00	887.87
100-52-55200-502 Parks Medicare/E-SS	1,152.76	1,360.00	207.24
100-52-55200-510 Parks Insurance Premiums	4,858.97	5,800.00	941.03
100-52-55200-650 Parks WRF 600	3,975.31	3,871.00	(104.31)
100-52-55200-820 Parks Urban Tree Grant Project	0.00	0.00	0.00
100-52-55200-860 Parks Capital Equipment	0.00	0.00	0.00
Total Expenses	183,957.45	214,788.00	30,830.55
Excess Revenue Over (Under) Expenditures	(103,168.40)	(119,788.00)	(45,041.50)

CITY OF BERLIN
COMMITTEE OF THE WHOLE MEETING
STAFF REPORT

TO: Common Council
FROM: Jessi Balcom, City Administrator
AGENDA ITEM: Event Approval Process
MEETING DATE: December 2, 2025

BACKGROUND

In order to provide clarity to community members and staff, it would be beneficial to review current municipal code and determine if the current approval processes outlined in the code need to be updated. Currently there is some confusion and inconsistency in how applications/requests for events are processed. It seems that there may have been a shift in philosophy or requirements at some point making it unclear when/if events require the approval of the Common Council and/or the Parks & Recreation Commission, especially in cases of reoccurring events. The Municipal Code does provide guidance on these issues. Staff will move forward as outlined in the Municipal Code. If the Council feels that the processes laid out in the code should be reviewed or tweaked, ordinance amendments would be necessary.

Special Events on Streets, Highways and Municipal Parking Lots (Muni Code 18-333):

These events may or may not impact or take place in a park. Municipal Code notes that new applications require Common Council (or their designated Committee's) review.
Reoccurring events, without substantial change, may be approved by staff.

- Street/Highway use (5K Run/Walk, Car show, Non profit vendor sales event, Business Open Houses, etc.) An event that utilizes the City streets, sidewalks or street parking spaces.
- Parade (School Homecoming, Memorial Day, Christmas Parade, etc.)
- Event on Municipal Parking Lot – Use of South Capron Street Lot or Market Square Lot.

Street Privilege including Temporary Construction, Sidewalk Cafes and Multiple Vendors (Muni Code 18-401 and 18-402):

These events do not impact or take place in a park.

- Temporary construction (dumpster, bucket truck, sidewalk blocked) Municipal Code notes staff reviews and approves the permit.
- Sidewalk Café (table, chairs, service of food, etc.) Municipal Code notes that the Council reviews and approves original applications and then reapplications may be approved by staff if there are no substantial changes to the request.
- Automobiles in Terrace Municipal Code notes that the Council reviews and approves original applications and then reapplications may be approved by staff if there are no substantial changes to the request.
- Special Vending – Multiple Vendors (sidewalk sales, etc.) Municipal Code notes that new applications require Common Council (or their designated Committee's) review.
Reoccurring events, without substantial change, may be approved by staff.

Park & Recreation Commission Request Form:

These events do impact or take place in a park. This form is used to place an event on the Park & Recreation Commission meeting agenda. The event sponsor is asked to attend the Park & Recreation Commission meeting to be available to answer questions from the Commission members. Then the Park & Recreation Commission will motion to approve/deny the event. This form is used for park requests, petting zoos, long term campground stays and other catchall items.

Municipal Code 50-74 notes that all exclusive usage requests of the parks and park facilities are to be approved by staff within 10 days of the receipt of the request, and only require review by the Park & Recreation Commission if animals are going to be present.

Current practice, as noted above, does not reflect the process detailed in the code. Staff will need to notify the Park & Recreation Commission of this and move forward with the process outlined in the code. Should the Council wish to change this process or continue to utilize the process noted above, an ordinance amendment would be needed.

Again, should the Council feel that the processes as laid out in the code for any of the listed permits need to be reviewed or tweaked, ordinance amendments would be necessary.

**ARTICLE X. GENERAL SPECIAL EVENTS ON STREETS, HIGHWAYS
AND MUNICIPAL PARKING LOTS¹**

Sec. 18-331. Purpose.

The city recognizes that city streets, highways and municipal parking lots are primarily for the use of vehicular and pedestrian travel. It further recognizes a public benefit for such public streets, highways and municipal parking lots to be used, from time to time, for special events, block parties, processions, parades, runs, walks, bicycle races, marathons, etc., which do not substantially interfere with the public's right to travel or park on such streets, highways and municipal parking lots. This article is intended to regulate and control certain non-travel related uses of the streets, highways and municipal parking lots of the city, and to protect the general welfare and safety of the persons using such streets, highways and municipal parking lots. The authority to regulate such use is contained in Wis. Stats. § 349.185, and related sections thereto.

(Ord. No. 11-06, 5-9-2006)

Sec. 18-332. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Charitable organization means an organization in which the dominant purpose of its work is for the public good, and the work done for its members is but the means adopted for this purpose.

Community event, celebration, procession, assemblage, parade, run, walk, marathon, bicycle race, etc., individually mean the usual and customary usage of such terms.

Fraternal organization means an organization with a representative form of government that:

- (1) Operates under the lodge system with a ritualistic form of work;
- (2) Is organized to promote the payment of life, sickness, accident or other insurance benefits to its members; and
- (3) Is organized to carry on some worthy civic or service purpose.

Highway or street has the meaning set forth in Wis. Stats. § 340.01, and also include areas owned by the city which are used primarily for pedestrian or vehicular traffic.

Local organization means an organization whose activities are limited to this state or to a specific geographical area within this state; and must be in existence for at least one year immediately preceding its application or belong to a state or national organization that has been in existence for at least three years.

¹Editor's note(s)—Ord. No. 11-06, adopted May 9, 2006, repealed former §§ 18-331—18-367 pertaining to permits for processions, parades, runs, walks, bicycle races and marathons and enacted similar new provisions to read as herein set out. The provisions of former §§ 18-331—18-367 derived from the 1989 Code.

Cross reference(s)—Streets, sidewalks and other public places, ch. 58.

Municipal parking lot means all city owned parking lots in the city limits.

Religious organization means an established religious institution or group thereof.

Service organization means an organization which has, as a minimum, the benefit, the growth and the general welfare of the community as one of its principle purposes. This category includes a labor organization or political party, but excludes a trade association, a social club or a political group created exclusively for political purposes under whose name candidates appear on a ballot at any election.

Veterans organization means an established group of past participants in the United States Armed Forces.

(Ord. No. 11-06, 5-9-2006)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 18-333. Permit.

- (a) *Permit required.* Except as set forth in subsection (b) of this section, it shall be unlawful for any person to organize, conduct, lead or encourage any use of a street, highway or municipal parking lot for other than normal pedestrian or vehicular travel, including but not limited to community events, celebrations, processions or assemblages (hereinafter referred to in this article as "special events"), without first obtaining a permit under the terms of this article.
- (b) *Exemptions.*
 - (1) A permit shall not be required for assembling or moving a funeral procession or military convoy.
 - (2) Any procession, other than a military convoy, sponsored by an agency of the federal or state government, acting in its governmental capacity within the scope of its authority, shall be required to obtain a permit, but shall be exempt from any permit fee and liability insurance requirements set forth in subsection (g) of this section.
 - (3) A permit shall not be required for any special event sponsored by the city.
 - (4) Any local religious, charitable, service, fraternal or veterans organization or any organization to which contributions are deductible for federal income tax purposes or state income or franchise tax purposes, which has been in existence for one year immediately preceding its application for a permit or which is chartered by a state or national organization which has been in existence for at least three years, shall be required to obtain a permit, and pay a permit fee, but shall be exempt from any liability insurance requirements set forth in subsection (g) of this section.
 - (5) A permit under this article shall not be required for the same use of a street, highway or municipal parking lot if a street privilege permit or a special event vending permit was issued for the same use under sections 18-401 or 18-402, or the same use was otherwise permitted under any other ordinance or legal authority of the city.
- (c) *Submission of application.* A written application for a permit for special events as set forth in subsection (a) of this section shall be made no less than 45 days prior to such event to the clerk-treasurer on a form provided by the city.
- (d) *Information required in application.* The permit application shall contain the following information:
 - (1) The name, address and telephone number of the applicant.
 - (2) If the applicant is an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization.

- (3) The name, address and telephone number of the person who will be responsible for conducting the event.
- (4) If the applicant is an organization, the date of organization. Organizations claiming to be exempt under subsection (b)(4) from liability insurance requirements may be required to show documentary proof of eligibility, such as of the date, location and type of organization.
- (5) The number and size of participants or units comprising the event.
- (6) A description in detail of the proposed use; date, time and duration of such proposed use; and location of the event (which shall include a sketch or scale drawing if required by the clerk-treasurer or common council).
- (7) If a procession, the assembly area, starting point, route to be traveled and termination point of the procession.
- (8) If the event is to be conducted by or for a person other than the applicant, the applicant for such permit shall file with the clerk-treasurer a communication in writing from that person authorizing the applicant to apply for the permit on his behalf.
- (9) Any additional information which the clerk-treasurer or common council finds reasonably necessary for a fair determination as to whether a permit should be issued.

(e) *Neighboring resident consent to issuance.* Except for applications for processions (parades), each application for a permit hereunder shall be accompanied by a verified petition in the following form and signed by the requisite number of residents as described in the petition:

**RESIDENT PETITION GRANTING CONSENT FOR SPECIAL EVENT PERMIT FOR USE OF STREET, HIGHWAY OR
MUNICIPAL PARKING LOT**

The undersigned residents of the City of Berlin hereby consent to the City of Berlin granting a permit for use of the street, highway or municipal parking lot, or portion(s) thereof, designated in the attached application for permit, for the purposes described and as proposed in the attached application.

If the proposed use is for a street or highway, the undersigned consists of not less than 75 percent of the residents over 18 years of age residing along that portion of the street or highway designated for the proposed use.

If the proposed use is for a municipal parking lot, the undersigned consists of not less than 75 percent of the residents over 18 years of age residing within 200 feet of the closest portion of the municipal parking lot designated for the proposed use.

- (f) *Indemnification.* The applicant for a permit hereunder shall be required to indemnify, defend and hold the city and its employees and agents harmless against all claims, liability, loss, damage or expense incurred by the city on account of any injury to or death of any person, or any damage to property, caused by or resulting from the activities for which the permit was granted.
- (g) *Liability insurance required; city named as additional insured.* Except for those applicants exempt from this requirement under subsections (b)(2) and (4) of this section, an applicant for a permit hereunder shall, as evidence of the applicant's financial ability to support its indemnification obligation under subsection (f) of this section, be required to furnish a valid certificate of comprehensive general liability insurance to the city in the amounts set forth in the schedule of required insurance on file with the city clerk-treasurer, unless lesser amounts are specifically authorized by the common council. The certificate shall show the city as an additional insured. In lieu of this requirement, the applicant may present other reasonable proof of financial responsibility as approved by the city attorney.
- (h) *Advisory recommendations.* The clerk-treasurer shall submit a copy of the permit application to the chief of police and superintendent of streets, who shall provide their advisory recommendations.

(i) *Basis for discretionary denial.* The permit application may be denied, or partially denied, if:

- (1) The proposed special event is to be held on a work day during hours when, and at places where, in addition to the proposed event, the flow of vehicular traffic is usually delayed by its own volume;
- (2) The proposed special event is to be conducted at times which could potentially create an unreasonable disturbance for surrounding neighbors. Factors that may be considered for purposes of this determination shall include, but not be limited to, the noise level that will likely be produced, hazards to parked vehicles and the time of day being proposed for the use;
- (3) Sufficient police protection is not available, and sufficient private marshals are not provided by the applicant, to reasonably assure the orderly conduct of the special event;
- (4) The special event would be a threat to public safety;
- (5) The policing of the special event will require such a large number of officers and vehicles, including ambulances, as to prevent adequate service of the needs of the rest of the city;
- (6) The event will substantially hinder the movement of police, fire and other emergency vehicles as to create a substantial risk to persons and property;
- (7) The conduct of the event will substantially interrupt the safe and orderly movement of other traffic contiguous to the route of such event;
- (8) The event is so poorly organized that the participants are likely to engage in aggressive or destructive activity;
- (9) The proposed location for conducting the special event involves a street or highway under construction or a detour route;
- (10) The permit application is made less than 45 days in advance of the time the special event is scheduled to commence; or
- (11) The proposed duration of the event is greater than 12 hours during a 24-hour period, or commences or continues during the hours of 12:00 a.m. to 7:00 a.m.

(j) *Mandatory denial.* The permit application shall be denied, or partially denied, if:

- (1) It is for a special event which would involve violation of federal, state or local laws relating to the use of highways, or of other applicable regulations of the city;
- (2) The granting of the permit would conflict with another permit already granted, or for which application is already pending;
- (3) The application does not contain the information required in subsection (d) of this section;
- (4) If a procession, more than one assembly or dispersal area is proposed; or
- (5) A permit under Wis. Stats. § 84.07(4) has not been obtained, if needed; or
- (6) The proposed special event is solely for private or commercial economic gain, or otherwise serves no general public purpose.

(k) *Fee.* Every application submitted hereunder shall be accompanied by a fee in an amount as set forth in the fee schedule on file in the clerk-treasurer's office. Such fee shall be non-refundable if the permit is not granted.

(l) *Charge for increased costs.* When the clerk-treasurer determines that the cost of municipal services incident to the staging of the special event permitted hereunder will be increased because of the special event, the clerk-treasurer may require the permittee to make an additional payment into the general fund of the city in an amount equal to the increased costs.

(m) ***Common council approval; permit issuance.*** Except as provided in this subsection, upon receipt of a completed application for permit hereunder, the clerk-treasurer shall submit the application, along with the recommendations of the chief of police and the superintendent of streets pursuant to subsection (h) of this section, to the common council, or its designated committee, for review. Prior to a decision by the common council, opportunity shall be given by the common council, or its designated committee, to any person to be heard for or against the granting of the permit. Upon the **approval of the application by the common council**, the clerk-treasurer shall issue to the applicant a permit. If the application is for a recurring special event (such as an event which recurs on an annual basis) for which a permit was granted not more than 18 months prior for a previous occurrence of the same special event to the same applicant, and if there are no substantial changes to the special event, or circumstances surrounding the special event, from previous occurrences of the event, then the clerk-treasurer may, in his or her discretion, issue the permit for the new event **without common council approval**. The mayor or the common council may at any time, on a case by case basis, rescind such authority to the clerk-treasurer, and may require any application for a permit hereunder to be reviewed and approved by the common council prior to a permit being granted.

(n) ***Permit denial.*** If the common council denies a license or renewal application, the city clerk-treasurer shall within five business days of the denial, send notice to the applicant in writing stating the reasons for such action. The notice shall also inform the applicant of the opportunity to have the determination reviewed under the procedures set forth in Wis. Stats. ch. 68.

(o) ***Modification of application.*** In lieu of denying a permit application, the common council may authorize the clerk-treasurer to amend the application, including but not limited to changing the location of the assembly or dispersal areas for processions, changing the date or time(s) of the special event, or changing the location of the event or route of the procession, for the purpose of approving the application. The applicant or permittee may accept such modification by notifying the clerk-treasurer in writing of such acceptance within five days. If such approval is not received by the applicant or the permittee within such time period, the application shall be deemed denied.

(p) ***Failure to provide or providing false information; grounds for denial.*** Failure or refusal of the applicant to give any information required by the application, or providing false information in the application or to the city clerk-treasurer, the common council, or designated committee thereof, in conjunction with the application, shall constitute an admission by the applicant that the applicant is ineligible for the permit and shall be grounds for denial thereof.

(q) ***Representative at meeting.*** The applicant, or a representative of the applicant, for a permit hereunder shall be present at any meeting of the common council, or designated committee thereof, when consideration is given to the granting of the permit applied for, for the purpose of providing any additional information which is reasonably necessary to make a fair determination as to whether such permit should be granted.

(r) ***Termination; revocation.*** A permit for a special event granted hereunder which is in progress may be terminated, and the permit granted hereunder revoked, by the police department if the health, safety and welfare of the public appears to be endangered by activities generated as a result of the event, if the event is in violation of any of the conditions of the permit or ordinances, or such termination and revocation is justified by an actual or potential emergency due to weather, fire, riot, or other catastrophe.

(s) ***Notices and signage for closure of municipal parking lot.*** For permits granted hereunder for use of municipal parking lots, the applicant shall securely post notices (the forms for which shall be provided by the city) on any vehicles parked in the municipal parking lot, or portion thereof, proposed to be used, at least 24 hours in advance of the special event, notifying the operators of such vehicles that the municipal parking lot, or portion thereof, will be closed during the designated times authorized in the permit. The applicant shall further be required to place temporary signs at each entrance of the municipal parking lot, at least 24 hours in advance, notifying that the lot will be closed during the designated times authorized in the permit. The sign shall be built of durable materials which are approved by the city. If the permit authorizes events on

- multiple days, notices and signs as set forth in this subsection shall be posted 24 hours in advance of each separate daily event, or as much in advance as possible if the events are not 24 hours apart.

(t) *Compliance.*

- (1) *Permittee.* A permittee under this article shall comply with all permit directions and conditions, and with all applicable laws, ordinances and other regulations of the state and the city.
- (2) *Participants.* No person who participates in an event permitted under this article shall disobey or encourage others to disobey the provisions of this article after a law enforcement officer has directly and presently informed him of any of the provisions of this article or the terms of the permit.

(Ord. No. 11-06, 5-9-2006)

Secs. 18-334—18-400. Reserved.

Sec. 18-401. Street privilege permit.

(a) *When required.* Permits for obstruction or excavation beyond a private lot line and within a public street, alley, sidewalk or other public way or place of the city shall be granted as follows:

- (1) *Temporary construction.* The moving of any building or structure, or encumbering a street, alley, sidewalk or way with materials necessary in and about the construction or demolition of any building or structure, provided such applicant has complied with the requirements of this section, and has obtained a building permit if required by this Code. Applicants applying for a permit under this subsection shall be referred to as "temporary construction applicants."
- (2) *Sidewalk cafés.* Placing tables, chairs or other items or devices appurtenant to outdoor dining adjacent to the applicant's duly licensed or authorized food service facility or restaurant for the purpose of allowing customers of such facility or restaurant to consume the food or beverages purchased in such facility or restaurant, provided the applicant has complied with the requirements of this section. Applicants applying for a permit under this subsection shall be referred to as "sidewalk café applicants," and holders of persons holding a permit under this subsection shall be referred to as "sidewalk café license holders".
- (3) *Automobile sale terrace displays.* The display of automobiles, as defined in Wis. Stats. § 340.01(4), for sale in terrace areas adjacent to or fronting the applicant's duly licensed or authorized automobile sale facility or dealership located within the city's business improvement district created under Wis. Stats. § 66.1109, or if such business improvement district has been terminated, then the area contained within such business improvement district at the time of its termination, provided the applicant has complied with the requirements of this section. If the city's business improvement district is ever terminated, then permits hereunder shall be limited to applicants with duly authorized licensed or authorized automobile sale facilities or dealerships located within the area formerly designated as the city's business improvement district on the date of the district's termination. Applicants applying for a permit under this subsection shall be referred to as "automobile sale terrace display applicants." No permits may be granted hereunder for the display of automobiles during the winter parking restriction periods designated in section 70-458.

(b) *Application.* Applications for street privilege permits shall be filed with the clerk-treasurer, and shall contain such information as the clerk-treasurer may require, including, but not limited to, a scale drawing identifying the site and the proposed obstructions. Upon issuance, street privilege permits shall be signed by the clerk-treasurer, and shall be conspicuously displayed at the licensed premises so as to be plainly visible to the public and any inspectors in the public area that is obstructed.

(c) *Review.* Upon receipt of an application for a street privilege permit, or renewal of a previously granted permit, the clerk-treasurer shall review the information set forth on the application for conformity with the provisions of this section, and shall refer the application to the chief of police, superintendent of streets and building inspector, whereby each of such officials shall prepare a written report of his individual recommendations as to approval or denial of such application, as well as reasons for denial, if applicable. If the reports from such city officials recommend approval for temporary construction applicants only, and the applicant has clearly and unambiguously met all requirements of the application in the opinion of the clerk-treasurer, the clerk-treasurer shall immediately issue the permit. The clerk-treasurer shall, upon receipt of such city officials' reports for sidewalk café applicants, and automobile sale terrace display applicants, submit the permit application and the reports to the committee of the whole and common council for final determination. If the applicable requirements of any application are not clearly and unambiguously met in the clerk-treasurer's opinion, he shall state the matters in doubt in writing to the applicant within three days of the time of the filing of the original application. Applications for renewal of permits must be filed sufficiently in advance so as to prevent a lapse of the permit. Renewal applications for sidewalk café

applicants and automobile sale terrace display applicants may be issued directly by the clerk-treasurer, without committee of the whole or common council approval, if the reports from the required city officers recommend approval, and there are no substantive changes in the permit applied for from the previous permit granted. If the clerk-treasurer ever denies a street privilege permit, or renewal hereunder, without review by the common council, the applicant may appeal, by providing notice of such appeal in writing to the clerk-treasurer within five days after the denial, whereby the application and accompanying city official's reports shall be submitted to the committee of the whole and common council for final determination.

(d) *Action of common council.* The common council, upon recommendation from the committee of the whole, shall review the permit application and the recommendation reports from the applicable city officials, if applicable, and either deny the permit, approve the permit or approve the permit conditionally. If the application is not acted upon by the common council within 45 days of the filing of such application, the application shall be deemed denied, and the application fee shall be refunded to the applicant, unless an extension is granted to the applicant.

(e) *Conditions of license.* In addition to any other conditions imposed by the common council, all permittees under this section shall fully comply with the following requirements:

- (1) *Indemnification; insurance; performance bond.* The applicant for a street privilege permit shall be required to indemnify, defend and hold the city and its employees and agents harmless against all claims, liability, loss, damage or expense incurred by the city on account of any injury to or death of any person, or any damage to property, caused by or resulting from the activities for which the permit was granted. As evidence of the applicant's ability to perform the conditions of the permit, the applicant shall be required to furnish a certificate of comprehensive general liability insurance to the city in the amounts set forth in the schedule of required insurance on file with the city clerk-treasurer, unless lesser amounts are specifically authorized by the common council. If required, the certificate shall show the city as an additional insured. The applicant may also be required to furnish a performance bond prior to the permit being granted.
- (2) *Removal of obstruction.* The applicant for a permit under this section shall be obligated to remove any permitted obstruction upon ten days' notice by the state or the city. If the permittee fails to remove such obstruction within such time period, the state or city may remove the obstruction, and the permittee shall be obligated to pay the state or city for all costs of such removal. If the costs for such removal are not timely paid, the costs may be submitted to the clerk-treasurer, who shall enter such costs on the next annual tax roll as a special charge against the permittee's applicable adjoining real estate (only if such real estate is owned by the permittee), and such sum shall be levied and collected as other special taxes against real estate.
- (3) *Waiver of contest.* The applicant for a permit under this section shall waive any and all rights to contest, in any way or manner, the validity of Wis. Stats. § 66.045.
- (4) *Area of obstruction.* Temporary construction applicants shall not obstruct more than one-third of any street or alley within the city. Sidewalk cafe applicants may only encumber upon sidewalks or other public areas that have no effect on vehicular traffic areas or ways. Temporary construction applicants and sidewalk cafe applicants shall not interrupt sidewalk pedestrian traffic, and must allow a minimum width as required by the Americans with Disabilities Act or any Wisconsin disability related law or regulation for uninterrupted pedestrian traffic. Temporary construction applicants, if necessary, may construct a temporary sidewalk of such width, but such temporary sidewalk must be guarded by a closed fence at least four feet high on both sides, which must be maintained during the period of obstruction.
- (5) *Sidewalk café time limitations.* Sidewalk café license holders shall remove any permitted obstructions from the sidewalk or public area or way during hours when the adjoining license holder's business is closed, and during the hours of 10:00 p.m. and 7:00 a.m. each day.

- (6) *Lighting for temporary construction applicants.* Temporary construction applicants shall sufficiently light the permitted obstruction areas at night to ensure that such obstruction areas are in full view of the public from all directions.
- (7) *Moving buildings must be continuous.* Temporary construction applicants moving any building or structure shall ensure that such moving is done in as continuous a process as practicable, until completed, and, if ordered by the chief of police or superintendent of streets, shall continue during all hours of the day and night. No building or structure shall be allowed to remain overnight on any street crossing or intersection, or so near thereto as to prevent easy access to any fire hydrant. Buildings shall be moved only in accordance with the route prescribed by the superintendent of streets and chief of police. The applicant shall be responsible for any reasonable engineering fees incurred by the city to assist in establishing such moving route.
- (8) *Cleanup.* Upon termination of the work necessitating an obstruction, or upon termination of a nonrenewed permit under this section, whichever is earlier, all parts of the streets, alleys, sidewalks or public areas or ways obstructed under the permit shall be vacated, cleaned of all rubbish and obstructions, and placed in a safe condition for public travel, at the expense of the permittee.
- (9) *Sidewalk café license holder's compliance with other regulations.* Sidewalk café license holders shall comply with all applicable state and county regulations governing health and sanitation for food handling establishments and dining areas, and any other applicable city regulations. Sidewalk café license holders shall be allowed to prohibit use of the dining facility obstructions permitted under this section to persons who are not the license holder's patrons. All food and beverages must be served on or in dishes, cups and/or receptacles which are made of plastic or other materials which are designed to be shatterproof. Sidewalk café license holders may serve alcohol in the sidewalk café area under the following conditions:
 - a. The sidewalk café license holder must have a separate alcohol beverage license for the sidewalk café license holder's adjoining business issued by the city pursuant to chapter 6, article II, and the sidewalk café area must be included in the premises description of such separate alcohol beverage license and such sidewalk café license holder is otherwise in compliance with the conditions of such separate alcohol beverage license and all alcohol beverage licensing laws, regulations and ordinances.
 - b. The sidewalk café license holder's adjoining business must be a restaurant (as defined by Wis. Stat. § 125.02(18)) in which the sale of alcohol beverages accounts for less than fifty (50) percent of gross receipts.
 - c. The sidewalk café license holder's adjoining business is located in a B-1 zoning district.
 - d. Consumption of alcohol beverages must be only at tables owned and controlled by the sidewalk café license holder, and must be under the general supervision of the sidewalk café license holder. The sidewalk café license holder shall be responsible for the supervision and control of the sidewalk café area and for preventing unauthorized or underage consumption of alcoholic beverages in the sidewalk café area.
- (10) *Automobile sale terrace display applicants—General conditions.* Automobile sale terrace display applicants shall comply with the following conditions:
 - a. Automobiles may only be displayed on terraces which are paved, and are designed to accommodate automobile parking.
 - b. For each permit granted, the superintendent of streets shall determine a "no display" zone, for the purpose of maintaining appropriate vision clearance for vehicles traveling at nearby intersections, and a description of such "no display" zone shall be designated on the permit granted. Accordingly, automobiles may not be displayed in such designated "no display" zone.

- c. The display of automobiles must have no effect on vehicular traffic areas or ways, and shall not interrupt sidewalk pedestrian traffic. A minimum width as required by the Americans with Disabilities Act or any Wisconsin disability related law or regulation of remaining sidewalk for pedestrian traffic must be maintained.
- (f) *Fee.* The fee for a street privilege permit, and each renewal or transfer of such permit, shall be as set forth in the fee schedule on file in the clerk-treasurer's office.
- (g) *Third party right of action.* Third parties whose rights are interfered with by the granting of a street privilege permit shall have right of action against the holder of the permit only, and not against the city.
- (h) *Term of permits.* Except for temporary construction permits, all street privilege permits shall have a term commencing on the date specified in the permit and shall continue through the following June 30, unless an earlier termination date is specified on the permit at the direction of the common council. The term for temporary construction permits shall commence on the date specified in the permit and shall continue for a period of 90 days, unless an earlier or later termination date is specified on the permit at the direction of the common council, but in any event shall not be longer than one year.
- (i) *Transferability and assignability upon reapplication.* Street privilege permits granted under this section are not transferable or assignable without the proposed transferee reapplying and complying with all other conditions set forth in this section.
- (j) The street privilege permits issued under this section are pursuant to and compliant with Wis. Stats. §66.0425 except that obstructions or excavations for less than 90 days shall still require a permit under this Section.

(Ord. No. 201-00, § 6-2-11, 9-12-2000; Ord. No. 06-09, 6-6-2009; Ord. No. 04-13, 6-11-2013; Ord. No. 11-18, 12-11-2018; Ord. No. 11-21, 7-13-21)

Sec. 18-402. Special event vending permit.

(a) *Required; sales restricted.*

- (1) No person shall display, sell or offer to sell on any street, sidewalk, alley, municipal parking lot or other public place within the city any goods, wares, foodstuffs or anything of value or service of any kind by putting up a booth or stopping a vehicle or person on foot, or in any other manner attempting to publicly sell or offer for sale any such items, unless such person is acting under the authority of a street privilege permit under section 18-401, a special event vending permit issued under this section, a general special event permit under article X, as part of a farmer's market under article VI, or otherwise permitted under any other ordinance or legal authority of the city.
- (2) A special event vending permit issued under this section is for special events only, whereby the primary focus of a permitted special event is to have local businesses present their goods, wares, foodstuffs and things of value for sale on the sidewalks, streets or in municipal parking lots. Such permit shall enable the permitted businesses to conduct business in all enumerated areas subject to the limitations of this section.
- (3) A special event vending permit may only be issued when the applicant is an organization or association representing at least 25 businesspersons, all of whom operate either a retail, service, manufacturing or wholesale business within the city.

(b) *Submission of application.* A written application for a special event vending permit shall be made no less than 45 days prior to such event to the clerk-treasurer on a form provided by the city.

(c) *Information required in application.* The permit application shall contain the following information:

- (1) The applicant's name, principal office address and telephone number, and the names of the authorized and responsible heads of the applicant organization or association.
- (2) A statement as to whether the special event vending permit applied for is to apply to all businesses operating within the city, or only specified businesses represented by the applicant. If only specified businesses, the name, address and telephone number of each specified business which will be participating in the permitted event.
- (3) The name, address and telephone number of the person who will be responsible for conducting the event.
- (4) A description in detail of the proposed event; date, time and duration of such proposed event; and location of the event (which shall include a sketch or scale drawing if required by the clerk-treasurer or common council).
- (5) Any additional information which the clerk-treasurer or the common council finds reasonably necessary for a fair determination as to whether a permit should be issued.

(d) *Indemnification.* The applicant for a permit hereunder shall be required to indemnify, defend and hold the city and its employees and agents harmless against all claims, liability, loss, damage or expense incurred by the city on account of any injury to or death of any person, or any damage to property, caused by or resulting from the activities for which the permit was granted.

(e) *Liability insurance required; city named as additional insured.* Each applicant for a special event vending permit hereunder shall, as evidence of the applicant's financial ability to support its indemnification obligation under subsection (d) of this section, be required to furnish a valid certificate of comprehensive general liability insurance to the city in the amounts set forth in the schedule of required insurance on file with the city clerk-treasurer, unless lesser amounts are specifically authorized by the common council. The

certificate shall show the city as an additional insured. In lieu of this requirement, the applicant may present other reasonable proof of financial responsibility as approved by the city attorney.

- (f) *Advisory recommendations.* The clerk-treasurer shall submit a copy of the permit application to the chief of police and superintendent of streets, who shall provide their advisory recommendations.
- (g) *Basis for discretionary denial.* The permit application may be denied, or partially denied, if:
 - (1) The proposed special event is to be held on a work day during hours when, and at places where, in addition to the proposed event, the flow of vehicular traffic is usually delayed by its own volume;
 - (2) The proposed special event is to be conducted at times which could potentially create an unreasonable disturbance for surrounding neighbors. Factors that may be considered for purposes of this determination shall include, but not be limited to, the noise level that will likely be produced, hazards to parked vehicles and the time of day being proposed for the use;
 - (3) Sufficient police protection is not available, and sufficient private marshals are not provided by the applicant, to reasonably assure the orderly conduct of the special event;
 - (4) The special event would be a threat to public safety;
 - (5) The policing of the special event will require such a large number of officers and vehicles, including ambulances, as to prevent adequate service of the needs of the rest of the city;
 - (6) The event will substantially hinder the movement of police, fire and other emergency vehicles as to create a substantial risk to persons and property;
 - (7) The conduct of the event will substantially interrupt the safe and orderly movement of other traffic contiguous to the route of such event;
 - (8) The event is so poorly organized that the participants are likely to engage in aggressive or destructive activity;
 - (9) The proposed location for conducting the special event involves a street or highway under construction or a detour route;
 - (10) The permit application is made less than 45 days in advance of the time the special event is scheduled to commence; or
 - (11) The proposed duration of the event is greater than 12 hours in a 24-hour period, or commences or continues during the hours of 12:00 a.m. to 7:00 a.m.
- (h) *Mandatory denial.* The permit application shall be denied, or partially denied, if:
 - (1) It is for a special event which would involve violation of federal, state or local laws relating to the use of highways, or of other applicable regulations of the city;
 - (2) The granting of the permit would conflict with another permit already granted, or for which application is already pending;
 - (3) The application does not contain the information required in subsection (c) of this section; or
 - (4) A permit under Wis. Stats. § 84.07(4) has not been obtained, if needed, or
 - (5) The proposed special event is solely for the private or commercial economic gain of a single business or small number of businesses, and otherwise serves no general public purpose.
- (i) *Fee.* Every application submitted hereunder shall be accompanied by a fee in an amount as set forth in the fee schedule on file in the clerk-treasurer's office. Such fee shall be non-refundable if the permit is not granted.

- (j) *Charge for increased costs.* When the clerk-treasurer determines that the cost of municipal services incident to the staging of the special event permitted hereunder will be increased because of the special event, the clerk-treasurer may require the permittee to make an additional payment into the general fund of the city in an amount equal to the increased costs.
- (k) *Common council approval; permit issuance.* Except as provided in this subsection, upon receipt of a completed application for permit hereunder, the clerk-treasurer shall submit the application, along with the recommendations of the chief of police and the superintendent of streets pursuant to subsection (f) of this section, to the common council, or its designated committee, for review. Prior to a decision by the common council, opportunity shall be given by the common council, or its designated committee, to any person to be heard for or against the granting of the permit. Upon the approval of the application by the common council, the clerk-treasurer shall issue to the applicant a permit. If the application is for a recurring special event (such as an event which recurs on an annual basis) for which a permit was granted not more than 18 months prior for a previous occurrence of the same special event to the same applicant, and if there are no substantial changes to the special event, or circumstances surrounding the special event, from previous occurrences of the event, then the clerk-treasurer may, in his or her discretion, issue the permit for the new event without common council approval. The mayor or the common council may at any time, on a case by case basis, rescind such authority to the clerk-treasurer, and may require any application for a permit hereunder to be reviewed and approved by the common council prior to a permit being granted.
- (l) *Permit denial.* If the common council denies a license or renewal application, the city clerk-treasurer shall within five business days of the denial, send notice to the applicant in writing stating the reasons for such action. The notice shall also inform the applicant of the opportunity to have the determination reviewed under the procedures set forth in Wis. Stats. ch. 68.
- (m) *Modification of application.* In lieu of denying a permit application, the common council may authorize the clerk-treasurer to amend the application, including but not limited to changing the date or time(s) of the special event, or changing the location of the event, for the purpose of approving the application. The applicant or permittee may accept such modification by notifying the clerk-treasurer in writing of such acceptance within five days. If such approval is not received by the applicant or the permittee within such time period, the application shall be deemed denied.
- (n) *Failure to provide or providing false information; grounds for denial.* Failure or refusal of the applicant to give any information required by the application, or providing false information in the application or to the city clerk-treasurer or common council in conjunction with the application, shall constitute an admission by the applicant that the applicant is ineligible for the permit and shall be grounds for denial thereof.
- (o) *Representative at meeting.* A representative of the applicant for a permit hereunder shall be present at any meeting of the common council, or designated committee thereof, when consideration is given to the granting of the permit applied for, for the purpose of providing any additional information which is reasonably necessary to make a fair determination as to whether such permit should be granted.
- (p) *Termination; revocation.* A permit for a special event granted hereunder which is in progress may be terminated, and the permit granted hereunder revoked, by the police department if the health, safety and welfare of the public appears to be endangered by activities generated as a result of the event, if the event is in violation of any of the conditions of the permit or ordinances, or such termination and revocation is justified by an actual or potential emergency due to weather, fire, riot, or other catastrophe.
- (q) *Notices and signage for closure of municipal parking lot.* For permits granted hereunder for use of municipal parking lots, the applicant shall securely post notices (the forms for which shall be provided by the city) on any vehicles parked in the municipal parking lot, or portion thereof, proposed to be used, at least 24 hours in advance of the special event, notifying the operators of such vehicles that the municipal parking lot, or portion thereof, will be closed during the designated times authorized in the permit. The applicant shall further be required to place temporary signs at each entrance of the municipal parking lot, at least 24 hours

in advance, notifying that the lot will be closed during the designated times authorized in the permit. The sign shall be built of durable materials which are approved by the city. If the permit authorizes events on multiple days, notices and signs as set forth in this subsection shall be posted 24 hours in advance of each separate daily event, or as much in advance as possible if the events are not 24 hours apart.

- (r) *Pedestrian clearance.* A minimum of four feet shall be reserved for pedestrian traffic on sidewalks during a permitted event under this section.

(Code 1989, § 6-2-12; Ord. No. 11-06, 5-9-2006; Ord. No. 06-09, 6-6-2009)

Sec. 50-74. Reservation of park space.

(a) *Policy.* The city-owned park and park facilities and shelter areas within the city are primarily for the nonexclusive use of the residents and visitors of the city; however, under proper circumstances, exclusive use thereof may be permitted, with the exception of the Berlin Locks Park and the Walkush Street Conservancy Park, which parks shall not be permitted for exclusive use. This section is intended to regulate exclusive use of municipally-owned parks, park facilities, park shelters, or parts thereof, in the city so that the general welfare of the city is protected.

(b) *Application required; issuer of permits.* A person may reserve the use of a city park facility, shelter, land area, or an entire park by filing a written application with the parks and recreation director for a permit for exclusive use of such park facility, shelter, land area or entire park. Park facilities, shelters, or land areas shall generally be available for reservation on a first-requested, first-reserved basis. Reservations may be made as early as two years prior to a proposed exclusive use, but not earlier. Further, in the case of two or more applications received on the same day for proposed exclusive uses intending to occur at the same time and same park or park facility, preference shall be granted to uses having a longer history of occurring on the same date (or general time period in question), and same park or park facility, in prior years.

(c) *Application process.* Applications for the exclusive use of a city park, land area, shelter or facility shall be filed with the parks and recreation director at least 45 days prior to the date on which the proposed exclusive use is requested, unless such time period is waived by the city, and shall set forth the following information regarding the proposed exclusive use:

- (1) The name, address and telephone number of the applicant.
- (2) If the exclusive use is proposed for a group, firm, organization, partnership or corporation, the name, address and telephone number of the headquarters of such group, firm, organization, partnership or corporation, and the responsible and authorized heads or partners thereof.
- (3) The name, address and telephone number of the person who will be responsible for the use of the park, area or facility.
- (4) The date and hours when the exclusive use is requested.
- (5) The anticipated number of persons to use the park, area or facility.
- (6) Identification of any animals intended to be present during the exclusive use, along with a description of the purpose for inclusion of such animals, the applicant's plan to ensure the safety and care of the animals, the applicant's plan to ensure the safety of participants and the general public, the applicant's plan for ensuring that the animals are not unreasonably disruptive or annoying to surrounding property owners or the general public as a result of noise or smells, the applicant's plan for cleaning up after the animals and the applicant's plan for restoring any damage to the park that may be caused by the animals.
- (7) Any additional information which the parks and recreation director or commission finds reasonably necessary to a fair determination as to whether a permit should be issued.

(d) *Decision; appeal.* Except for applications for exclusive uses during which animals are intended to be present, the parks and recreation director shall decide to issue or not issue the permit within ten days of receiving the application, which decision may be appealed by the applicant to the parks and recreation commission. Applications for exclusive uses during which animals are intended to be present shall be directly submitted to the parks and recreation commission for review and determination; however renewal applications may be issued directly by the parks and recreation director, without parks and recreation commission approval, if there are no substantive changes in the exclusive use applied for from the previous permit granted and the applicant meets all the same conditions for approval from that previous permit.

(e) *Reasons for denial.* Applications for the reservation of park space or shelters may be denied for any of the following reasons:

- (1) The application is for a use which would involve a violation of federal or state law or any provision of this Code.
- (2) The granting of the permit would conflict with another permit already granted or for which an application is already pending.
- (3) The application does not contain the information required by subsection (c) of this section.
- (4) The application is made earlier than two years prior to the scheduled exclusive use contrary to subsection (b) of this section, or less than the required days in advance of the scheduled exclusive use as set forth in subsection (c) of this section.
- (5) The application was received on the same day as an application for a proposed exclusive use intending to occur at the same time and same park or park facility, and for which such other conflicting use is entitled to preference pursuant to subsection (b) of this section.
- (6) The law enforcement requirements of the exclusive use will require such a large number of persons as to prevent adequate law enforcement to the park, park facility or shelter area involved, or to the rest of the city.
- (7) The exclusive use will reasonably create a substantial risk of injury to persons or damage to property.
- (8) The exclusive use is so poorly organized that participants are likely to engage in aggressive or destructive activity.
- (9) The time period requested for the exclusive use is unreasonably excessive.
- (10) The granting of the permit would be prohibited by any state statute, regulation and/or contract or lease which the city is a party to governing the applicable park.
- (11) The facilities available at the requested site are not adequate to support to proposed event.
- (12) If any animals are intended to be present, then if:
 - a. The purpose of the inclusion of such animals is contrary to public's interest; or
 - b. The applicant has not submitted a reasonable plan for, or is not reasonably capable of, ensuring the safety and care of the animals; or
 - c. The applicant has not submitted a reasonable plan for, or is not reasonably capable of, ensuring the safety of participants and the general public; or
 - d. The applicant has not submitted a reasonable plan for, or is not reasonably capable of, ensuring that the animals are not unreasonably disruptive or annoying to surrounding property owners or the general public as a result of noise or smells; or
 - e. The applicant has not submitted a reasonable plan for, or is not reasonably capable of, cleaning up after the animals; or
 - f. The applicant has not submitted a reasonable plan for, or is not reasonably capable of, restoring any damage to the park or other public property that may be caused by the animals.

(f) *Indemnification.* The applicant for any permit for exclusive use of any city park facility, shelter, land area or an entire park shall agree on the application to release, hold harmless and indemnify the city from and against any and all liability for property damage or injury incurred by the applicant, employee, agent, customer or other third party related to or arising out of the permitted use. Also, the city may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate

financial responsibility, running to the city and such other third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the exclusive use sufficient to indemnify the city and such third parties who may be injured or damaged by such exclusive use caused by the permittee, its agents or participants. A refundable security deposit may be required to be deposited with the city for such purpose. Liability insurance coverage amounts shall be as set forth in the schedule of required insurance on file with the city clerk-treasurer, and all other surety or financial responsibility amounts shall be as reasonably determined by the parks and recreation commission based on the individual circumstances of the application, upon consultation with the city attorney.

- (g) *Exemption.* An exclusive use permit is not required for the exclusive use of a city park or park facility which use is sponsored by the city.
- (h) *Permit revocation.* The parks and recreation commission and/or the chief of police, after having granted an exclusive use permit, may revoke such permit if it is deemed that such revocation is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace, or by a major change in the conditions forming the basis of the issuance of the permit. Further, a breach of any alcohol license or other permit/license granted to the applicant for the same use shall be reason for revocation of an exclusive use permit granted under this section.
- (i) *Form of permit.* Each exclusive use permit shall be in a form prescribed by the parks and recreation commission, and shall designate the park, park facility or shelter area involved, the date, hours and purpose of the exclusive use and the name of the person, group, firm, organization, partnership or corporation to which the permit is issued.
- (j) *Cleanup.* Any person reserving city park facilities shall be completely responsible, after the event, for cleaning up the park facilities to the satisfaction of city officials. Inadequate cleaning shall result in the permit holders being billed for the costs of such cleanup and/or forfeiture of any deposit.

(Code 1989, § 12-1-5(a)–(j), 12-1-5(a)(l); Ord. No. 09-11, 11-8-2011; Ord. No. 01-16, 2-9-16; Ord. No. 03-16, 6-14-16)

City of Berlin –Special Event Permit Checklist

Name of Event: _____

18-333 Event on Street/Highway (5k Run/Walk, Car show, Non profit vendor sales event, Business open house etc.)

 Use of City streets, sidewalks, street parking spaces

Parade (School Homecoming, Memorial Day, Pumpkins on Petunias tractor, Christmas Parade etc.)

Event on Municipal Parking Lot (Farmers Market, Fox River Days, Pumpkins on Petunias etc.)

 Use of South Capron St Lot, Market Square Lot

➤ Date application submitted: _____

➤ New Event or Recurring Event with without changes since prior event.
(Circle One)

 Describe any changes in the Additional Details space.

➤ COMPLETE APPLICATION Submitted no less than 45 days prior to event if NEW EVENT
(45 days time period may be waived if the Event is Recurring)

➤ Description of event, sketch of location, or outlined map if needed

➤ Park and Recreation Commission Request Form completed for events in City Parks (including parking lots)

➤ CERTIFICATE OF LIABILITY INSURANCE (Unless Exempt) In the Amount of \$1,000,000 BODILY,
\$500,000 PROPERTY for EACH OCCURRENCE with THE CITY OF BERLIN NAMED AS AN
ADDITIONAL INSURER

Expiration date: _____

or

➤ EXEMPTION FROM LIABILITY INSURANCE (Religious, charitable, service, fraternal, veterans,
school)

 Proof of exemption status required YES or NO

➤ SIGNED INDEMNIFICATION AGREEMENT (Required for all permits.)

➤ NEIGHBORING RESIDENT CONSENT (Not required for parades or 5k runs/walks. Street use
requirement – at least 75% of named streets' residents, municipal parking lot requirement – at least 75% of
residents within 200 feet of named lot.)

➤ FEE OF TWENTY DOLLARS (\$20.00) Date of payment: _____

➤ Reviewed by Chief of Police (New or change only, for recurring give FYI copy)

➤ Reviewed by Street Superintendent (New or change only, for recurring give FYI copy)

➤ Date of Council Meeting for new approvals: _____

NOTES:

Additional Details: _____



City of Berlin

108 North Capron Street P.O. Box 272
Berlin, WI 54923
920-361-5400 Phone 920-361-5454 Fax

Indemnification, Defense, and Hold Harmless Agreement

The undersigned, as an applicant for a permit from the City of Berlin, hereby agrees to indemnify, defend, and hold harmless the City of Berlin and its employees and agents against all claims, liabilities, loss, damages, or expenses against or incurred by the City of Berlin on account of any injury to or death of any person, or any damage to property, caused by or resulting from the activities for which the permit was granted.

Specifically this Agreement applies to the following event:

(Description and location of event)

On: _____
(Date(s) of event)

By: _____
(Sign and Print Name)

OR On Behalf of:

(Name of Organization and Title if applicable)

If signing on behalf of an organization, you must have authority from the organization to sign an agreement like this. By signing this agreement, you are warranting to the City of Berlin that you have such authority.

Berlin

WISCONSIN

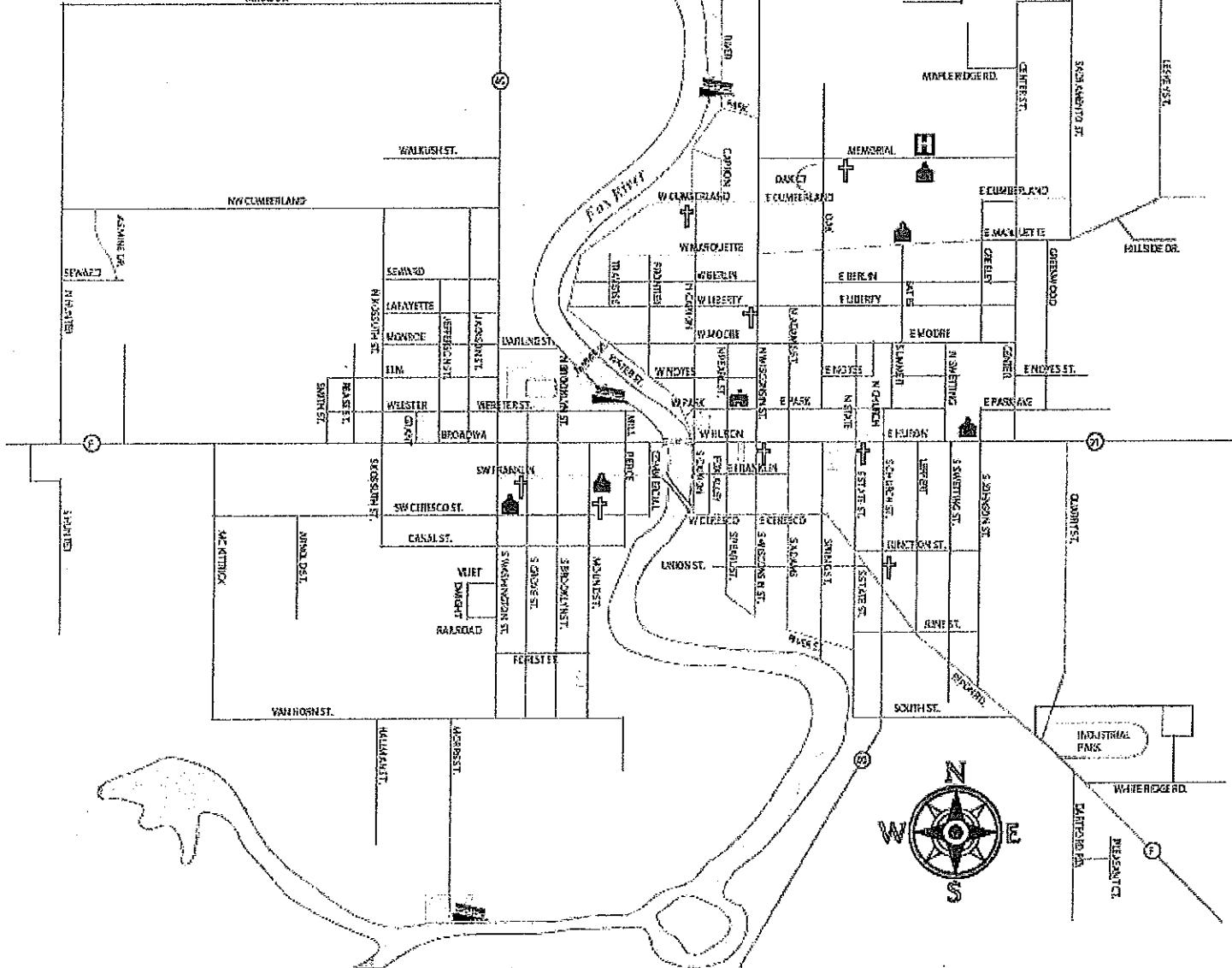


On the Fox

City of Berlin

City Map

MAP KEY



City of Berlin

Park and Recreation Commission Request Form

Name: _____

Address: _____

Organization Name (If Applicable): _____

Phone Number: _____

Date and Time of Request: _____

Please Pick an Option Below That Best Describes Your Request

Park Request

(please specific below)

Petting Zoo

Long Term Campground Stay

Other

Additional Information:

The Park and Recreation Commission has the right to refuse any request that does not follow the park policies or city ordinances.

