ORDINANCE NO. 2013-12

An Ordinance Relating to the Festival Celebration Permit

The Common Council of the City of Cedarburg, Wisconsin, hereby ordains as follows:

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

SEC. 7-14-1 FESTIVAL CELEBRATION PERMIT

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

(1) **Festivals of Cedarburg, Inc.** is defined as an operating subcommittee of the Cedarburg Chamber of Commerce.
Festival Committee. Day to day operation of the festivals shall be conducted by the Festival Committee which shall be comprised of any number of volunteers from groups or businesses participating in the festivals and from the community at large. The President of Festivals of Cedarburg, Inc. or an assignee shall preside over Festival Committee meetings.

(2) **A Common Council liaison** shall be appointed to the Festival Committee by the Mayor.

(3) **The President** of Festivals of Cedarburg, Inc. is authorized to execute such documents as are necessary to conduct the festival, subject to the terms and conditions outlined below.

(4) **Map.** Each application for a Festival Celebration Permit shall include a map designating the area and boundaries of the festival.

(5) **Fermented Malt Beverages, Wine Coolers, and Wine.** For each location at which fermented malt beverages, wine coolers and wine will be sold, an application for a Temporary Class B License shall be filed with the City Clerk two weeks prior to the event. Each location shall have an operator licensed by the City of Cedarburg present at all times when dispensing fermented malt beverages, wine coolers and wine. All sales, possession and consumption of fermented malt beverages, wine coolers and wine shall be within a designated and restricted area at each licensed location.

(6) **Regulation of Commercial Activities**.

(a) The purpose of festivals is to provide a congenial atmosphere for the enjoyment of the citizens of the City and surrounding communities; to attract visitors and tourists to the City; to further the economic interests of the businesspersons and community groups within the City; to enhance economic development through tourism; to promote the festivals in furtherance of and in a manner consistent with the public health, safety, welfare, tranquility and interest.

(b) Public property. It shall be unlawful for any person, firm or organization to vend, sell, dispose, or offer to vend, sell, dispose or display any goods, wares or merchandise on any public sidewalk, public way, street, alley or within the public right of way within the festival area as defined in this ordinance without first having obtained a permit from the Festival Committee for that purpose, and having paid a license fee therefore, as set by said Committee. The Festival Committee shall offer rental of street space in front of a business to the owner of the business prior to offering it to another vendor.

(c) Application for the permit to vend, sell, dispose or display merchandise, goods or wares shall be made in writing to the Festival Committee at least thirty (30) days prior to the festival. The application shall contain the name of the applicant if an individual, the names of partners if a co-partnership, or the names of principal officers if a corporation, club or charitable institution. The Committee shall be authorized to designate where such merchandise, goods or wares are to be so displayed and sold.

(b) **Procedure.**

(1) Application for a Festival Celebration Permit shall be filed with the City Clerk thirty (30) days prior to the festival and shall contain such information as the City Clerk may require. The permit shall set forth the exact days on which and the exact location where such business shall be carried on and shall be valid only during the dates and at the locations specified. The Festival Committee shall provide the City Clerk with a complete list of sponsors and participants at the time of making application, as well as a plan for approval showing the location of booths on public property. Per Policy PR-4, the final plan is required four (4) weeks prior to the festival.

(2) Upon receipt of an application for a permit, the City Clerk shall review the information given on the application for conformity with the provisions of this Section. The City Clerk shall distribute the application and accompanying materials to the Police Department, Public Works Department, Treasurer's Office, Park and Recreation Department and Fire Department. If the applicable requirements are clearly and unambiguously met in the City Clerk's opinion, he shall make a recommendation on the application to the Common Council.

(3) The Common Council shall review the application and the City Clerk's recommendation and either deny the permit, approve the permit or approve the permit conditionally. There shall be a Three Hundred Dollars ($300) fee for such permit. The permit shall be signed by the City Clerk and shall be issued to Festivals of Cedarburg, Inc. who, in turn, shall issue identification permits to each vendor approved by the Festival Committee. These permits shall be prominently displayed by all vendors during the festival period.

(c) **Conditions of Permit.** In addition to any other conditions imposed by the Common Council, all Festival Celebration Permit holders shall fully comply with the following requirements:

(1) Liability Insurance. To hold a valid permit, Festivals of Cedarburg, Inc. must have in force adequate liability insurance. Adequate liability insurance is liability insurance holding the City and its employees and agents harmless and

indemnifying and defending the City, its employees and agents against all claims, liability, loss, damage or expense incurred by the City with adequate liability policy limits for any damage caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform this condition of the permit, the applicant shall furnish a Certificate of Insurance in an amount prescribed in the *City's Schedule of Insurance Requirements* evidencing the existence of comprehensive general liability insurance (including contractual liability, product liability and liquor liability insurance with the City being named as an additional insured). The Certificate of Insurance shall provide thirty (30) days' written notice to the City upon cancellation, or nonrenewal or material change in the policy. Proof of insurance shall be submitted to the City Clerk a minimum of seven (7) days before the start of the event.

(2) City Services. All requests by participants for city services must be made to the Festival Committee. The Festival Committee will be responsible for reimbursement to the City for any city personnel, services, equipment and facilities provided for the festival in the following two circumstances: 1) when deemed necessary by the City or 2) when requested by the Festival Committee and approved by the City. For city personnel, the reimbursable costs associated with the festival shall include wages, overtime, and fringe benefits. An invoice shall be sent to the Festival Committee, if applicable, for city personnel, services, equipment and facilities within 15 days following the festival. Payment is due within 30 days of invoice. The City reserves the right to require full or partial payment of estimated costs in advance.

(3) Cooperation with Law Enforcement Officials. To protect the public health and safety, the permittee shall coordinate with the Chief of Police the location of all events under the permit. Final plans for street and sidewalk encroachments, booth locations and special parking provisions shall be submitted to the Chief of Police for his review and approval a minimum of seven (7) days before the start of the event.

(4) Clean-up. The permittee shall be fully responsible for all necessary cleanup associated with the licensed event to be completed within 24 hours after the conclusion of the event.

(5) Use of City Hall Meeting Rooms. An application form, available from the City Clerk's Office, must be filled out for use of the meeting rooms in the lower level of City Hall. A designated Board member of the Festival Committee shall be responsible for lockup of City Hall after the festival.

(6) Compliance with Other Regulations. The permittee shall comply with all applicable state and county regulations governing health and sanitation for establishments, if applicable, and any other applicable City regulations, including, but not limited to, regulations pertaining to the issuance of Temporary Class "B" Retailers Licenses.

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

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

streets shall be closed:

(a) Cleveland Street from Washington Avenue west to Hanover Avenue.

(b) Turner Street from Washington Avenue west to Hanover Avenue.

(c) Center Street from Washington Avenue west to Hanover Avenue.

(d) Columbia Road from Washington Avenue east to Portland Avenue.

~~(2) The Cedarburg Bike Classic Festival will be held on the third Tuesday of July with two separate event areas as follows:~~

~~(a) Daytime Event – 8:45 a.m. to 3:30 p.m.~~

~~Area around Parkview Elementary School~~

~~Road closures as follows:~~

~~(1) Pine Street from Poplar Street to Harrison Avenue.~~

~~(2) Harrison Avenue from Pine Street to Coventry Street.~~

~~(3) Coventry Street from Harrison Avenue to Poplar Street.~~

~~(4) Poplar Street from Coventry Street to Pine Street.~~

~~The Festivals Committee will be responsible to send notices of road closures to all residents affected by closures. The Committee will also supply times of lapses in the race that will allow entry or exit to their residence. The Festival Committee will also coordinate with Parkview Elementary School for access or departures of school buses and/or autos picking up or dropping off students or staff. All race event times will be adjusted to allow for these arrivals and departures.~~

~~(b) Evening Event – 4:45 p.m. until 8:30 p.m.~~

~~Area around Downtown District~~

~~Road closures as follows:~~

~~(1) Center Street from Evergreen Blvd. to Washington Avenue.~~

~~(2) Washington Avenue from Center Street to Cleveland Street.~~

~~(3) Cleveland Street from Washington Avenue to Evergreen Blvd.~~

~~(4) Evergreen Blvd. (east lanes only) from Cleveland Street to Center Street.~~

~~The Festivals Committee will be responsible to send notices of road closures to all residents and businesses affected by closures.~~

~~The Festivals Committee will make every attempt to allow access for residents during lapse times in the race or in the case of an emergency as following;~~

~~Access to Hanover Avenue at Center Street.~~

~~Access to St. John Avenue at Center Street.~~

~~Access to Madison Avenue at Center Street.~~

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

For closure of other streets, a Street Use Permit can be obtained from the City Clerk's Office under Section 7-9-1 of the Code of Ordinances.

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

Passed and adopted this 10th day of June 2013.

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Kip Kinzel, Mayor

Countersigned:

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Constance K. McHugh, City Clerk

Approved as to form:

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Kaye K. Vance, City Attorney