
Application Sec. 12.04. Assemblies and Special Events. (Adopted January 21, 2025)

(1) *Purpose and Intent.*

(a) The purpose of this section is to:

- i. Regulate the assembly of large numbers of individuals in excess of those who would normally be requiring the services of the health, sanitary, fire, police, transportation and utility agencies which are regularly provided in Marathon County (County); and
- ii. Regulate the assembly of large numbers of individuals in excess of those who regularly occupy the event location to minimize adverse impacts to surrounding properties and uses.

(b) *Intent.* It is the intent of the Marathon County Board of Supervisors that all provisions of this section have an independent existence. Should any section or provision be declared invalid or unconstitutional by a court of competent jurisdiction, that section or provision so declared shall be severable from and shall not affect the validity of the remainder of this section.

(2) *Applicability.* This ordinance shall be in effect in all unincorporated areas of the County.

(3) *Implementation of Policy.* The County recognizes the important role and benefits assemblies, and special events provide to our community. In order to effectuate the purposes of this section uniformly, the Marathon County Board of Supervisors delegates to the Conservation, Planning, and Zoning Department, in coordination with Highway, Emergency Management, Health, the Sheriff's Office, and Parks, Recreation, & Forestry Departments, the power to implement the provisions of this section. In carrying out this delegation, the forementioned departments shall act so as to protect the health, security and welfare of all the residents and visitors of the County.

(4) *Definitions.* As used in this section, the following listed words and phrases are to be understood and defined as follows:

- (a) *Actual Cost.* The total cost of services provided by a specific department, including both direct and indirect costs. This amount may include additional charges beyond the department's standard services if, at the departments' discretion, the services exceed the usual scope of operations or the terms of a previously agreed- upon contract.
- (b) *Assembly or Special Event.* A gathering of people together in any location at a single time for any purpose, which shall include accessory sites and uses. Accessory sites include but are not limited to start/finish lines, check points, staging areas, and rest stops.
- (c) *Assembly Permit/License.* An official document issued by the Conservation, Planning, and Zoning Department, allowing an event to occur under the approved specifications and plans listed in the application.
- (d) *Event.* A temporary, planned event organized, sponsored, and conducted by any person or entity. These temporary events may be one day, span multiple consecutive days, or occur in series.
- (e) *Extraordinary Services.* Services or equipment provided by the County, its departments, employees, or contractors, above and beyond its normal capabilities and requirements of providing public safety that cause a measurable burden upon County personnel and material, when the provision of such services or equipment becomes reasonable and necessary, in the County's determination, due to the specific needs or requirements of an assembly or special event.

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- (f) Government Sponsored. An event that is organized/produced and financially supported by a government entity (county, town, state, or federal) where any proceeds are returned to the government entity and the government accepts responsibility for services and liability.
- (g) Person. Any individual, natural human being, company, partnership, corporation, firm, association, society, or group of individuals.
- (5) *Permit.*
- (a) No person shall permit, hold, undertake, maintain, manage, or conduct an event with an actual or reasonably anticipated assembly of 5,000 or more attendees at any one time, or in aggregate over the course of 8 consecutive hours, without first obtaining a valid Assembly Permit from the Conservation, Planning, and Zoning Department as outlined in this section, application for which must be made at least forty (40) business days in advance of the proposed assembly.
- (6) *Fees.*
- (a) The applicant shall submit a fee for an Assembly Permit as specified in the associated Schedule of Fees.
- (b) In the event that extraordinary services are required for an event permitted under this section, the applicant shall separately contract with the applicable County department as to the scope of services to be provided and the costs associated with those services.
- (c) The Schedule of Fees referenced in this section shall be reviewed and approved from time to time by the Public Safety Committee.
- (7) *Size and time restrictions.* A license shall permit the assembly of only the maximum number of people stated in the license. The licensee shall neither sell more tickets than the maximum number permitted by the license nor allow more than the maximum permitted number of people to assemble at the licensed location. The maximum length of time for which any assembly permit may be issued shall be identified in the permit and shall not exceed the permitted length unless an extension is granted by Conservation, Planning, and Zoning.
- (8) *Sound.* The licensee shall not permit the sound of the assembly to carry unreasonably beyond the enclosed boundaries of the location of the assembly.
- (9) *Hours.* No assembly or accessory activity other than permitted camping shall take place between the hours of 12 a.m. and 6 a.m. Daily event preparation and cleanup activities necessary for operations may occur outside of the hour limitations specified herein, provided these activities are set forth and approved in the application.
- (10) *Exceptions.*
- (a) This section shall not apply to the following:
- i. Any regularly established permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, fairs on established fairgrounds, 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 or location where the assembly is held.

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- ii. Any business in a township that has adopted County Zoning where the primary product of said business is providing regular event space for commercial gain. Property must be correctly zoned and have all necessary permits (town, county, state, & federal) to accommodate such uses. This exception will also apply in townships which have adopted and enforce their own zoning ordinances to include regulations for businesses who have a primary product of providing regular event space for commercial gain. Persons or organizations will qualify for this exception if they have obtained and remain in compliance with a Conditional Use Permit from Marathon County or the applicable local municipality prior to the effective date of this ordinance. The person or organization must provide documentation proving a Conditional Use Permit was issued by Marathon County or the applicable local municipality. Evidence that meets this exception is the burden of the applicant to provide.
 - iii. This section shall not apply to government sponsored events held on government owned property where the proceeds are returned to the government. NOTE: This section does not exempt organizations from any other local regulations or any zoning ordinances in effect where the event is taking place.

(11) *Application.* Before a license shall be issued, the applicant shall file a completed application with the Conservation, Planning, and Zoning Department at least 40 business days prior to the scheduled assembly. At the time the complete application is made the Conservation, Planning, and Zoning Department shall review the proposed site and application for a period of no more than 30 business days. A completed application shall contain:

- (a) A statement, made on oath or affirmation, that the information contained within the application is true and correct to the best knowledge of the applicant.
- (b) The name, residence and mailing address of all persons required to sign the application.
- (c) 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 owners of all of such property.
- (d) A list of names and addresses of all adjacent and opposite property owners within 2,640 feet (½ mile) of the parcel of property upon which the assembly is to be held.
- (e) Proof of ownership of all property upon which the assembly is to be held or a statement upon oath or affirmation by the record owner of all such property that the applicant has permission to use such property for an assembly of 5,000 or more persons.
- (f) The nature and purpose of the assembly.
- (g) The specific dates and times when the assembly is to be held.
- (h) A statement as to the maximum number of persons which the applicant can reasonably accommodate at any time. This shall not exceed:
 - i. The maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly; or
 - ii. The maximum number of persons allowed to sleep within the boundaries of the location of the assembly according to the applicable state law, Wisconsin Administrative Code, and zoning ordinances of the municipality, if the assembly is to continue overnight.

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- (i) A statement describing the need for any Extraordinary Services.
 - (j) *Emergency routing.* Applicant shall provide a map showing all access roads to the proposed site, including emergency ingress and egress routes for emergency vehicles, indicate the condition of such roads and what, if any, preparation would be required to put the roads in the condition necessary to handle the estimated amount of traffic.
 - (k) *Food and beverage concessions.* If food and beverage concessions are provided, the names, contact information such as phone number and/or email, and addresses of all concessionaires and a copy of their license or permit issued by the Wisconsin Department of Agriculture, Trade, and Consumer Protection, or a Wisconsin Local Health Department. Permits may be obtained through, and inspections performed by, the County Health Department.
 - (l) *Emergency Action Plan.* The applicant shall develop an emergency action plan consistent with any applicable state and local requirements. Said plan must provide for medical services and on-site first aide, to include the names and hours of availability of the medical support personnel, and provisions for contacting emergency medical service.
 - (m) *Fire and severe weather plan.* The applicant must provide a plan for fire and severe weather protection and emergency response, including on-site capabilities to respond to fire or severe weather emergencies. Fire protection shall include alarms, extinguishing devices and fire lanes and escapes as required to meet all state and local standards.
 - (n) *Local Fire/Rescue Coordination:* The applicant shall provide proof of local fire/rescue coordination. This may include proof of acknowledgement and adherence to Town Fire Protection Charge Ordinances.
 - (o) *Security.* The applicant shall provide:
 - i. The name, address, and telephone number of the primary security officer.
 - ii. Details on how security personnel at the site will be coordinated.
 - iii. A security plan outlining:
 - 1. The number and locations of security personnel throughout the duration of the event, ensuring that each officer's shift does not exceed 12 hours.
 - a. Provide details on how the number of security personnel will be adjusted based on changes in attendance (if applicable).
 - 2. Provisions for patrols outside the gates and fences, as well as measures for the removal of individuals from the assembly site once event concludes.
 - 3. Copies of all certifications for certified security personnel.
 - (p) *Highway closure plan.* If an event is anticipated to need road or lane closures or crossing of a County owned road, a statement and a map describing the exact location and duration of closures and crossings shall be submitted with the application.
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(12) *Conditions for Issuing License.* Before a license shall be issued under this section, the applicant shall first meet the following conditions. These conditions are required to ensure that the health, safety and welfare of the citizens of the County and the individuals attending the assembly are protected.

(a) The applicant shall determine the maximum number of persons who will be assembled or admitted to the location of the assembly, provided that the maximum number shall not exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly and provide 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 applicable.

(b) The applicant shall provide proof that the applicant will furnish the following at the applicant's own expense before the assembly commences:

i. *Fencing.* When determined to be reasonably necessary to protect health, safety, and welfare of the attendees, the community, and/or neighboring property owners, a fencing for the proposed assembly location, showing a fence of sufficient height and strength to prevent in excess of the maximum permissible number of people from gaining access to the assembly grounds shall be required. The fence shall completely enclose the assembly grounds and have sufficient gates so that emergency ingress and egress is provided. No fence shall be constructed within two feet of road right of way.

ii. *Illumination.* If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly, shall be required. Required lighting equipment shall be installed in advance of the assembly.

iii. *Parking.*

1. Adequate parking must be provided to accommodate the maximum number of attendees onsite, with a minimum of one parking space for every four individuals.

iv. *Potable Water.*

1. Potable water sufficient for the maximum number of people to be assembled must be available for the duration of the assembly.

2. For purposes of this ordinance, "Safe Water" complies with NR 809 Wisconsin Administrative Code, specifically Bacteria and Nitrate, though not excluding other contaminants that are identified as a potential concern based on geography, geology, or other information.

3. Any well, whether newly constructed or existing, that is intended to be used for potable water, must meet the current water standards as defined in NR 809 Wisconsin Administrative Code. The source, quality, quantity, and means of dispensing of water shall be stated in the Potable Water plan.

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- v. *Toilets.* The following toilet and lavatory facilities are required:
1. Permanent toilet facilities, portable toilets, or a combination of both, meeting all State and local specifications, that:
 - a. Have separate enclosed toilets sufficient for the maximum number of people to be assembled.
 - b. Are placed at convenient locations throughout the grounds.
 - c. Have an efficient, sanitary means of disposing waste matter, to include frequency of cleaning or pumping.
 2. Handwashing stations and sufficient supply of soap and paper towels shall be provided with each toilet or group of toilets. handwash sink cleaning or maintenance and garbage removal must be provided to ensure an efficient, sanitary means of handwashing sufficient for the maximum number of people to be assembled.
- vi. *Solid Waste.* The following is required for disposal of waste:
1. Any garbage or recyclable solid waste must be disposed in compliance with State and local laws and regulations at the rate of at least 2.5 lbs. of solid waste per person per day, together with a plan for holding, collecting, and removing all such waste at least once each day of the assembly. The applicant shall provide sufficient receptacles with lids that can be secured to inhibit the access of pests and shall state specifically how garbage and other refuse is to be disposed.
 2. The applicant shall have a plan for clean-up of the assembly site and surrounding area at the conclusion of the assembly.
- vii. *Camping.* If the assembly is to continue overnight and includes camping for attendees, campsites must be in compliance with all State and local requirements, specifically ATCP 79.
- viii. *Fire protection.* Fire protection services, including alarms, extinguishing devices and fire lanes and escapes as required to meet all state and local standards.
1. Applicants shall affirm compliance with onsite fire inspections as required by local municipalities in accordance with Wis. Stat. s. 60.555.
 2. Applicants shall collaborate with local municipalities to create a plan for recovery of costs associated with fire/rescue call response services required as a result of the event in accordance with Wis. Stat. ss. 60.55 and 60.557.
- ix. *Sound control and amplification plan.* The applicant shall provide a plan relative to sound control and amplification.
- x. *Medical services.* medical services and on-site first aide in a fixed, sheltered location.

xi. *Security.*

1. Adequate security shall be provided for the number of attendees on-site. Security can be provided as specified in subsection a. or b. as outlined below. In the event it is provided in accordance with subsection a. a minimum ratio of three licensed on-duty security guards for every 1,000 people throughout the duration of the assembly is applicable.:
 - a. The assembly organizer can provide their own security personnel. The security personnel shall be either Wisconsin peace officers or private guards licensed in the State of Wisconsin. The application to become a licensed security officer in the State of Wisconsin can be found at <https://dsps.wi.gov/Credentialing/Business/fm2271.pdf>.
 - b. An applicant may choose to contract with the Marathon County Sheriff's Office, at the Sheriff's Office's discretion, to provide security services for the duration of the event.
 - i. If an event charges for admission through ticket sales or a gate entry fee, an extra fee may be added to each ticket or gate fee to cover the actual costs of services provided by the County beyond its regular operations. If the total costs exceed the collected fees, the remaining amount will be billed to the assembly permit holder after the conclusion of such assembly.
 - ii. Where a ticket or gate entry fee is not taken for attendance, the permit holder shall be responsible for reimbursement of the actual cost of services provided by the County if they are determined to be outside the normal scope of operations.
 2. If inadequate planning by the assembly permit holder necessitates emergency services, the permit holder will be billed for the full and actual costs.
- xii. *Reserved Park spaces.* If an event is scheduled to take place in a County owned park, the applicant shall contact the Parks, Recreation, and Forestry Department to reserve the needed space and provide proof of rental of the facility or space with the application. The applicant shall identify any areas in the reserved location that will not be open to the public and shall provide a statement and map showing the area to be utilized.
- xiii. *Alcohol.* The applicant shall provide for at least 1 licensed bartender for each separate beverage station that is serving alcohol.

(13) *Insurance and Indemnification.* An applicant shall execute and file with its application under (11) the following:

- (a) An agreement which shall indemnify and hold harmless the 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. Such agreement is included in the application certification portion of the application document that is required to be signed for a completed application.
- (b) Certificates of proof of insurance issued by insurance companies licensed to transact business in the State of Wisconsin providing that the applicant and the assembly are covered by a comprehensive general liability policy providing a minimum coverage of \$2,000,000 aggregate coverage; fire legal liability policy in the amount of \$2,000,000; and worker's compensation insurance as required by Wisconsin law.

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- (14) *Issuance.* The granting of a license under the provisions of this section shall not in any way be construed as allowing the erection of facilities which will cause the site to be regarded as a regularly established place of assembly. Any structure or building constructed in relation to an activity for which a license has been granted shall not in any way be regarded as permanent or lead to the facility being exempted pursuant to this section.
- (15) *Processing the application.* The completed application for a license shall be processed within 30 business days of receipt and shall be issued or denied by the Conservation, Planning, and Zoning Department within that time period.
- (16) *Appeal.*
- (a) Any determination of the Conservation, Planning and Zoning Department relative to the issuance of a license under this section may be appealed in writing to the Marathon County Administrator.
 - (b) Any appeal under this subsection must be made within five business days of the determination appealed by requesting an appeal in writing to the Marathon County Administrator. An appeal is considered made at the time it is received by the office of the Marathon County Administrator.
 - (c) An appeal under this subsection may be submitted by an individual, group, or organization to whom a license has been denied or by a Township in which an event is intended to take place. The appeal must state, in writing, the grounds upon which the appeal is being made. No party may appeal the issuance of a license under this section based upon a disagreement with the content, message, or viewpoint of the event or assembly.
 - (d) Upon receipt of a timely written appeal, the Marathon County Administrator shall issue a written decision relative to any appeal under this subsection within five business days.
- (17) *Revocation.* The license may be revoked by the Zoning Administrator, County Health Officer or the Sheriff at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with or if any condition previously met ceases to be complied with.
- (18) *Enforcement.*
- (a) The provisions of this section may be enforced by injunction in any court of competent jurisdiction. The Corporation Counsel shall have full power to conduct legal proceedings under this section and shall represent the legal interests of the County throughout the application process.
- (19) *Public nuisance.* Holding of an assembly in violation of any provision or condition contained in this section shall be deemed a public nuisance and may be abated as such.
- (a) Any person who violates this section or any condition upon which a license under this section is granted may be fined not less than \$1000 nor more than \$25,000 for each violation. Each day of violation shall be considered a separate offense.
 - (b) Citations for violations of this section may be issued by any law enforcement officer or by Zoning Administrator or County Health Officer.
- (20) *Deposit of license fees.*
- (a) All license fees shall be deposited with the County Treasurer.