

Chapter 21 AMUSEMENTS AND ATTRACTIONS

- 21.01 Purpose
- 21.02 Permits required
- 21.03 Definitions
- 21.04 Permit Classification
- 21.05 Permit terms, conditions and fees.
- 21.06 Exclusions
- 21.07 Insurance required
- 21.08 Additional applicability of permit fee requirements
- 21.09 Information permit required
- 21.10 Non-operational hours
- 21.11 Special Exceptions Permits
- 21.12 Renewal of Special Exception Permits
- 21.13 Supervision
- 21.14 Use of Alcohol prohibited
- 21.15 Penalties
- 21.16 Nuisance, injunction
- 21.17 Enforcement
- 21.18 Consent to Inspection
- 21.19 Additional regulations

21.01 Purpose. The provisions of this chapter are an exercise of police power for protecting the public welfare, health and safety of the citizens of the Village and visitors who attend and patronize amusements and attractions in this Village. The Village Board finds the protection of the general public and patrons of the businesses regulated herein is a vital interest of this Village and the regulations herein are reasonable and necessary to ensure the businesses regulated under this chapter are properly operated to meet the purposes of this chapter.

21.02 Permits required.

- A. It shall be unlawful to conduct or operate an amusement or attraction without having first secured a permit under this chapter. This chapter's provisions shall not be held to apply to those amusements that are specifically permitted and regulated by any other Village of Lake Delton ordinance unless otherwise stated in the chapter. Application for such permit shall be made to the Clerk-Treasurer-Coordinator and shall be issued only upon Village Board approval, with the exception of occasional activity permits, which the Clerk-Treasurer-Coordinator may issue.
- B. Applications for each permit shall be filed with the Clerk-Treasurer-Coordinator along with all supporting documents and the application fee, if any. Applications for permits must be filed on or before May 1st of each year, and shall be valid only for the location and time designated in such permit.
- C. Permits shall be for one year commencing on the first day of July and expire on June 30th of the following year. Permits commencing in mid-year shall expire on the next occurring June 30th.
- D. A permit is required for each business operating an amusement or attraction whether or not the business premises are located within another business operating under a permit issued under this chapter.

E. Only one permit is required for any business operating multiple amusements of attractions on the same or adjoining premises.

21.03 Definitions.

A. An “amusement” is any business that is open to the public and for which an admission fee, fees, or other charges are required for admission or participation, and in which the patron may physically participate. Unless otherwise specifically identified as an attraction in 21.03(B), a business is considered an amusement. All references to amusements identified below include indoor and outdoor operations. Amusements include, but are not limited to, the following operations:

21.03 A. Modified & Amended Ordinance 19-007 Passed: 7/22/2019 Published: 8/1/2019

1. Amusement Park: “Amusement Park” means a facility offering numerous amusement activities including, but not limited to, kiddie rides, thrill rides, water activities under single management for which an entrance fee is charged 21.03 A. 1. Modified & Amended Ordinance 19-007 Passed: 7/22/2019 Published: 8/1/2019
2. Water parks, swimming pools, or other water play features
3. Arcades, simulators, laser tag, batting cages
4. Golf courses, driving ranges
5. Miniature golf
6. Sporting events
7. Go-cart tracks
8. Bicycle races, foot races, race walking, walking, wheelchair racing, rollerblading, marathons iron-man competitions and jogging events and similar events
9. Bowling centers, pool halls
10. Rental of bicycles, motorized vehicles, skates or other form of mechanical or motorized transport
11. Water skiing, rafting, parasailing or similar water based activities
12. Fitness centers, gyms, health clubs
13. Dance halls, teen bars, and nightclubs not licensed to serve alcohol
14. Other similar events or operations for amusement and entertainment, or intended for public patronage or open to the public for patronage

B. An “attraction” is a business that is open to the public and for which an admission fee, fees, or charges are required for admission or participation and where activities are provided in which the patron is only an observer. All references to the attractions identified below include indoor and outdoor operations. Attractions include, but are not limited to, the following operations:

1. Boat or land tours
2. Circuses
3. Parades, carnivals
4. Indoor and outdoor motion picture theaters
5. Art or photography gallery or studio
6. Museums, children’s exhibitions, zoos, menageries, displays gardens, animal performances or exhibits, or any other objects of curiosity
7. Fairs, flea markets, festivals and other similar outdoor events
8. Performance arts arenas, theaters, street performances, busking, sketch artists
9. Other similar attractions intended for public patronage or open to the public for patronage.

C. “Applicant” means any individual, proprietor, firm, partnership, corporation, limited liability company or business entity of any kind including the officers, directors, shareholders, partners, and members.

D. “Arcade” means any establishment in which thirty (30%) percent of the gross income is derived from offering mechanical or electronic amusement devices such as simulators; mechanical or electronic games; pool tables; air hockey; foosball; video games, laser tag; virtual reality games or other computer-based entertainment.

E. “Combined operation” means a business with more than one amusement, attraction, or other business operated on the same premises including but not limited to amusement parks, arcades, water parks, and family fun centers.

F. “Fee” means any payment, remuneration or other consideration received from, or on behalf of, a patron or customer.

G. “League” means any formally organized league for seasonal recreation such as darts, pool, softball, games, hockey, or other such organized activities.

H. “Occasional activities” means non-recurring amusements, attractions or events not otherwise identified in *ss. 21.02 or 21.06 VMC* and are conducted for less than 3 days and not located entirely on a permitted premises. In addition, Occasional Activities include, but are not limited to, the following operations:

1. Bicycle races, foot races, race walking, walking, wheelchair racing, rollerblading, marathons, “iron-man events”, jogging events, and other similar activities.
2. Outdoor flea markets, rummage sale collective “yard” sales sponsored by governmental, charitable or non-profit organizations and not conducted entirely on a permitted premises.
3. Fundraising events taking place in whole or in part on the public right of way.

I. “Outdoor musical performances” include live or recorded singers, musicians, bands, or orchestras with or without electronic amplification conducted outdoors

J. “Permit” means a permit issued under this chapter.

K. “Permitted Premises” mean the parcel(s) where the business is located. Separate permits are required for amusements and attractions located on non-contiguous parcels.

L. “Restaurant, tavern or other eating places” has the meaning as defined in Wis. Stats. Sec. 254.61(5) and whose primary business is serving of food and beverages.

M. “Sporting activities” means volleyball, baseball, softball, basketball, or other such sports activities.

N. “Temporary permit” means a permit issued to a business while an application filed under s.21.02 is pending.

O. Digital/Video Camera System. The camera system shall include digital/video camera(s) and digital/video recorders. The video cameras shall provide high definition (“HD”) color and black and white image resolution of not less than seven hundred twenty (720) p / one (1) MP and shall be supported by additional lighting if necessary to produce easily discernible video images at all times. The video cameras shall not record audio. The digital video recorder(s) shall be capable of storing video footage in a searchable format and of transferring selected recorded images to a commercially available portable digital format for independent, standalone review and screening by a third party.

Modified & Amended Ordinance 14-25 Passed: 11/10/2014 Published: 11/15/2014

P. Thrill ride. “Thrill ride” includes roller coasters, catapults, drop towers, bungee jumping and pendulum swings and similar devices. 21.03 P. Modified & Amended Ordinance 19-007 Passed: 7/22/2019 Published: 8/1/2019

21.04 Permit Classification. Permits shall be issued based upon the classification of the amusement. When there are multiple amusements and/or attractions on a single premises, the classification of the permit will be for the highest applicable class. Amusements are classified as follows:

1. Class A Amusements
2. Class A-1 Amusement with Continuing Special Exception Permits
3. Class B Attractions
4. Class B-1 Attractions with Continuing Special Exception Permits
5. Class C Occasional Activities
6. Class D Ticket Booths, Information Booths
7. Class E Amusement Park.

21.04 Modified & Amended Ordinance 19-007 Passed: 7/22/2019 Published: 8/1/2019

21.05 Permit terms, conditions and fees. Any permit issued pursuant to this chapter shall be granted only upon the following conditions:

- A. Arrangements must have been made for a suitable location, and all reasonable precautions must have been taken for protection of the public.
- B. The business must have equipment suitable for the purpose and in safe operating condition.
- C. The proposed performance, entertainment or exhibit must not endanger the health, morals or safety of the public.
- D. The proposed amusement must not unduly interfere with the peaceful enjoyment of the neighborhood.
- E. The applicant shall not have had a permit revoked or suspended in the previous five (5) years for a material violation of this ordinance. If the applicant is a corporation, none of the shareholders, officers or directors of the applicant shall have been a permittee, or a shareholder, officer or director of a permittee that had been revoked or suspended in the previous five (5) years.
- F. The permit fees set forth below are adopted by the Village Board and may be changed from time to time by resolution of the Village Board:

F. The permit fees set forth below are adopted by the Village Board and may be changed from time to time by resolution of the Village Board:

1. Class A \$ 300.00
2. Class A-1 \$ 600.00
3. Class B \$ 300.00
4. Class B-1 \$ 600.00
5. Class C \$ 100.00
6. Class D \$ 100.00
7. Class E: \$ 500.00

21.05 F. Modified & Amended Ordinance 19-007 Passed: 7/22/2019 Published: 8/1/2019

- G. (1) Any occasional activity shall first obtain an activity permit and a permit fee of One Hundred dollars (\$100.00) and for activities subject to s. 21.05 (G) (4), Five Hundred (\$500). The occasional activity permit fee may be waived by the Village Board for public events and fund-raising events by charities and non-profit organizations.
- (2) Subject to the provisions of subparagraph (j) below applications for a Class C Occasional Activities permit, shall include the following information:

- a. A site plan including location of all structures, buildings, tents, tables, including adequate toilet and sanitation facilities and lighting if necessary.
- b. A map of all streets, roads and highways within the village that will be used in the activity.
- c. A traffic control and parking plan. If plans include off-site or street parking, it must include a plan for ensuring that traffic for the activity does not inordinately interfere with traffic on public streets.
- d. A estimate of anticipated crowd size and a safety and security plan showing:
 - 1. Adequate personnel for crowd control.
 - 2. An evacuation plan in the event of an emergency or severe weather.
 - 3. The extent to which village police, fire or emergency services are necessary to ensure the safety of the public.
- e. Each applicant shall furnish evidence of a liability insurance policy in accordance with the provisions s.21.07 and shall be in force and effect at the time the activity is to take place. Said evidence of insurance shall include a certificate of insurance naming the Village of Lake Delton as additional named insured in connection with said activity.
- f. The proposed location of temporary signage, if any.
- g. Written notification of the application to adjacent property owners, if applicable.
- h. If alcoholic beverages will be served at the activity, a plan for restricting the location where alcoholic beverages will be served and consumed with fencing around permitted premises.
- i. Identification of the contact person managing the activity.
- j. A narrative description of the activities to occur on site including the time or opening and closing, the estimated attendance and possible impact on traffic and village resources.
- k. The Village Clerk-Treasurer-Coordinator has the discretion to waive any of the above listed items for minor occasional activities.

(3) In addition to reviewing the permit and supporting documentation, considering issuing a Class C Occasional Activity permit the Board should take into consideration the following:

- a. The previous experience with similar events.
- b. The adverse impact the event may impose on village resources.
- c. The extent to which adequate security is provided.
- d. The Police Department review and recommendations.
- e. If concentration of several activities in the area at the same time would result in adverse traffic conditions or a potential threat to public safety.

(4) In case of large-scale events which may have a significant impact on neighboring properties, the Village Clerk-Treasurer-Coordinator shall facilitate meetings with the applicant, the Police Department, DPW and Village Staff, to minimize any potential adverse impact on village streets or resources and to ensure public safety.

(5) If the applicant utilizes Village of Lake Delton Police, Fire or Emergency Medical Services for site security, the applicant shall contract with the appropriate agency for the cost for such services.

(6) Cancellation or Suspension: The Village Chief of Police or Fire Chief have the authority to suspend or cancel a permit issued under this section at any time and without prior notice if:

- a. The applicant fails to comply with any conditions placed on the permit

- b. The applicant violates the requirements of this article or any other applicable federal, state, local laws;
- c. Conditions exist which would adversely affect public health or safety;
- d. Conditions exist that would place facilities, grounds, or other natural resources at a substantial risk of damage or destruction if the special event were permitted to take place.

21.05 G. Modified & Amended Ordinance 19-011 Passed: 9/09/2019 Published: 9/19/2019

H. The issuance of a permit authorizes the conduct of the permitted activity only on the permitted premises.

I. The Village Board may reduce or waive fees for fund-raising or other events conducted by governmental, charitable, or non-profit organizations.

J. The Clerk-Treasurer-Coordinator is authorized to issue temporary and occasional activity permits.

K. Thrill Rides. All Thrill Rides are required to be located within an amusement park. 21.05 K. Modified & Amended Ordinance 19-007 Passed: 7/22/2019 Published: 8/1/2019

21.06 Exclusions.

- A.** The following businesses are not required to obtain a permit under s. 21.02VMC:
 - 1. Any Restaurant, tavern or other eating places with or without ancillary amusements and/or attractions located on the premises for the exclusive use of their customers.
 - 2. Any hotel, motel, campground or resort with ancillary amusements and attractions located on the premises for the exclusive use of their guests.
 - 3. Youth sports leagues, games or events.
 - 4. Activities and events occurring on public lands with village permission.
 - 5. Except as provided under subsection 6, any business holding a license or permit under Chapters 20, 27, 31 and 46 VMC unless specifically identified as an amusement under s.21.03 A, or an attraction under s.21.03 B.
 - 6. This exclusion does not apply to businesses which include outdoor music.
- B.** **Scope of exclusions.** Businesses identified in s.21.06 (A) are not excluded from complying with the provisions of this chapter if the licensed or permitted activity is a part of a combined operation.

21.07 Insurance required. No permit shall be granted until there has been deposited, with the Clerk-Treasurer-Coordinator, a true and correct copy of the applicant's liability insurance policy with minimum coverage limits of One Million dollars (\$1,000,000) per person, Two Million dollars (\$2,000,000) in the aggregate. Insurance policies must be issued by insurance companies approved by the state of Wisconsin's commissioner of insurance office, covering personal injury or property damage arising out of the operation for which the permit is required, such copy to be kept on file during the permit term. The Clerk-Treasurer-Coordinator, shall notify the agent issuing such policy that in the event of cancellation of such policy, the said clerk is to be immediately notified thereof. It shall be unlawful for a permittee or any employee of a permittee to either orally or in writing make any statement that would lead a patron to believe that the permittee does not have insurance coverage.

21.08 Additional applicability of permit fee requirements. Any person, firm or corporation operating a booth, office or off-premises roadside stand selling admission tickets for any attraction, boat ride, excursion, tour, or any event for which admission is charged shall pay a permit fee as set

forth above. This provision does not apply to ticket booth, office, or roadside stands selling admission tickets to any attraction located at the same premises as said ticket booth, roadside stand or office, and applies only to those located off-premises.

21.09 Information permit required.

A. Any person, agent or corporation operating a booth, office or roadside stand for the purpose of giving free information to the general public without any commission, fee or monetary compensation shall first obtain a permit from the Village Board.

B. Any person, agent or corporation operating a booth, office or roadside stand for the purpose of giving information, directing, recommending or placing of any person to any attraction, boat trip, tour, eating place, tavern or sleeping accommodation for which a commission, fee or monetary compensation is paid shall first obtain a permit from the Village Board.

21.10 Non-operational hours.

A. Except as provided below, all outdoor amusements and attractions shall be closed for operation between the hours of 1:00 a.m. and 8:00 a.m. each day.

B. All outdoor amusements and attractions shall be closed for operation between the hours of 1:00 a.m. and 8:00 a.m. on the following days:

1. Each Saturday and Sunday morning
2. Memorial Day
3. Labor Day
4. The 3rd 4th and 5th of July.

C. Outdoor musical performances shall be prohibited each day between the hours of 10:30 p.m. and the following 8:00 a.m.

D. All outdoor amusements and attractions operating under a Special Exception Permit shall be closed for operation in accordance with the requirements of the permit.

21.11 Special Exception Permit.

A. Any person asking to be relieved from the strict enforcement of this chapter's provisions may apply for a Special Exceptions permit. The application shall be on a form provided by the Clerk-Treasurer-Coordinator. The completed form and all supporting documents shall be filed with the Clerk-Treasurer-Coordinator along with the filing fee. The Clerk-Treasurer-Coordinator shall forward the application to the Zoning Administrator. Within ten (10) days of receiving the application for a Special Exceptions permit, the Zoning Administrator shall issue a written report to the Village Board including his recommendation.

B. Following the review and issuance of a report by the Village Zoning Administrator, the application will be reviewed by the Board. The Village Board may require the applicant to furnish additional information it deems necessary in its review of the application. The procedure set forth in s. 19.05, shall govern the process for review in acting upon an application for a Special Exception Permit.

C. When reviewing an application for a Special Exception Permit, the Village Board will take into consideration such factors it deems appropriate, including but not limited to:

1. The Special Exceptions Permit will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.
2. The uses, values and enjoyment of other property in the neighborhood shall not be substantially impaired or diminished by the proposed Special Exception Permit.

3. The Special Exception Permit will not unduly create a danger to pedestrians or traffic.
4. The Special Exception Permit allowing an extension of the hours of operation will not unduly attract minors.
5. The Special Exception Permit will not unduly require assistance from the police.
6. The past experience with the applicant or similar business operations.
7. That the issuance of a special exception permit will not violate the terms or conditions of a Conditional Use Permit or variance for the permitted premise.
8. Such other factors due to the specific circumstances that the Village Board deems appropriate.

21.12 Renewal of Special Exception Permits.

A. Each permittee of a Special Exception Permit must comply with the provisions of s.21.02 and file annually for renewal.

B. The procedure set forth in s.19.05 VMC shall govern any action to revoke, suspend, terminate, or the non-renewal of a Special Exception Permit.

21.13 Supervision. At all times while an establishment is open to the public, or is in use, there shall be one responsible adult on the premises to supervise and enforce the regulations applicable to such use. If the amusement involves the use of motor driven vehicles, motorized boats or watercraft, or animals, then all personnel responsible for the supervision and control of the machinery or animals must be adults.

21.14 Use of Alcohol prohibited. No patron shall be permitted to possess alcohol while actively participating in any amusement activity which involves equipment, rides, vehicles, machinery, water sports or any other activity which poses a danger to the participant or others.

21.15 Penalties.

A. Forfeiture. Any person, agent, firm or corporation violating any provision of this chapter shall, upon conviction thereof, forfeit not more than one hundred dollars (\$100.00) for the first offense, with a deposit required of one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) for the second offense, with a deposit of five hundred dollars (\$500.00), and the costs of prosecution. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

B. Suspension; revocation. In addition to the penalties set forth in s.21.15(A), any person violating this chapter may result in the suspension, revocation and/or non-renewal of the permit. The procedure set forth in s.19.05 VMC shall govern any action for revocation or suspension of a permit.

21.16 Nuisance, injunction. The repeated violation of this chapter is hereby declared to be a nuisance. In addition to any other relief provided by this chapter, or the Village code, the Village attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction, or permanent injunction.

21.17 Enforcement. The Village Zoning Administrator shall be responsible for enforcing this chapter. The Village Zoning Administrator shall maintain complaint forms for filing complaints

under a violation of this chapter. The complaint shall be filed with the Clerk-Treasurer-Coordinator, Chief of Police and the Village Board. Nothing herein limits, restricts or prevents the police department from enforcing the provisions of this chapter.

21.18 Consent to Inspection. All applicants for a permit and all permittees authorize village officials, fire inspectors, and police officers on the premises at all reasonable hours for the purposes of inspection and search of the premises, and removal from the premises of all things relevant to the investigation, including evidence of a violation of this chapter and/or any other chapter of the Village code or state law. Each applicant and all permittees consent to the introduction into evidence at any hearing before the Village Board, or court of law, any evidence obtained from an inspection or search of the premises. All application forms shall include a statement notifying each applicant of this requirement.

21.19 Additional regulations. Any permit issued pursuant to this chapter shall be subject to such further regulations and restrictions as the Village Board of the Village of Lake Delton may impose by amendment to this section or by the enacting new ordinances. If any permittee shall fail or neglect to meet the requirements imposed by such new restrictions and regulations, his/her permit may be revoked in accordance with this section. If any new amendment or ordinance the Village Board enacts shall provide revoking all or any class of existing permits and the issuing new permits, or shall impose such new restrictions as to render it impossible for any permittee under an existing permit to meet such restrictions, then and in such case the unused portion of the fee paid for such permit shall be refunded or applied on any new permit issued to such permittee by the Village Board. In case of permit revocation or any violation of any provision of this chapter in accordance with this section or for any reasonable cause except imposing new restrictions, no refund shall be made of any part of the permit fee.

A. Security Digital/Video Camera System Required. Commencing on January 1, 2015, all permitted amusement premises with swimming pools with capacities of four hundred (400) or more commonly referred to as wave pools, are required to install and maintain in proper working order, a Digital/Video Camera System meeting the following requirements:

1. Purpose. The purpose of this Section is to maintain the health, safety and welfare of the community by providing safe environments for the enjoyment of recreation.
2. Security cameras sufficient in number to cover the establishment's pool areas producing high definition color and black and white digital images with a resolution of not less than seven hundred twenty (720) p / one (1) MP.
3. The security cameras shall be operated during all hours the establishment is open to customers and two (2) hours after closing.
4. There shall be no obstructions or other impediments blocking any portion of a camera's manufacturer specified field of view.
5. Recorded digital/video image files shall be kept for a minimum of thirty (30) days.
6. All recordings made by Digital/Video Camera System installed and maintained pursuant to this Section while in the possession of the business shall be stored in a controlled area to which only authorized personnel have access.

7. The owner or agent of the premises subject to the provisions of this Section shall include with its application for a permit a certification that the premises is in compliance with this Section.

21.19 A. Modified & Amended Ordinance 14-25 Passed: 11/10/2014 Published: 11/15/2014

Adopted 10/21/2009

21.03 O. Amended by Ordinance 14-25 Passed: 11/10/2014 Published: 11/15/2014
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