

CHAPTER 22
AMUSEMENT PARKS AND TRANSIENT
PUBLIC ENTERTAINMENT

22.01 DEFINITIONS

Terms used in this chapter mean as follows:

Amusement parks: Any premises used or operated for public carnivals, the racing of animals or motor vehicles, the operation of open air theaters, and any other premises used or operated primarily for the purposes of providing amusement for the public, where permanent installations of any type or description are made on the premises to furnish such public entertainment except premises used for transient public entertainment.

Transient public entertainment: A circus show, a road show or any other public entertainment conducted or held within a tent or tents or other temporary structure, or in the open air, where no permanent installation of any type or description is made on the premises to furnish such public entertainment.

22.02 PERMITS REQUIRED

No person shall use or operated any amusement park or transient public entertainment within the Town of Lisbon unless a permit therefore shall have been granted by the Town Board as herein provided.

22.03 QUALIFICATIONS FOR AMUSEMENT PARK PERMIT

No permit shall be granted to operate an amusement park within the Town of Lisbon to any person not of good moral character, a full citizen of the United States and of this state, and who has not resided in the County of Waukesha for at least 2 years prior to the date of application. No permit shall be issued to any person who has been convicted of an offense against the laws of the United States or of this state, punishable by imprisonment in the state prison or other penal institution as felonies, unless he has been duly pardoned. No permit shall be granted to any corporation, except a Wisconsin corporation maintaining its principal office and place of business in the Town of Lisbon.

22.04 APPLICATION FOR AMUSEMENT PARK PERMIT.

- (a) Application for amusement park permits shall be filed with the Town Clerk and shall be subscribed and sworn to.
- (b) The application shall set forth the following:
 - (1) Name, residence, address and business address of applicant.
 - (2) The location of the amusement park with the legal description of the premises.
 - (3) Applicant's right to use such premises, with copies of the instruments relied upon, giving the recording date thereof, if recorded.
 - (4) Whether or not applicant is a citizen of the United States and of the State of Wisconsin, and the length of his citizenship and residence in the State of Wisconsin, and the length of his residence in the County of Waukesha, with the address or addresses resided at.
 - (5) The character of business applicant has been engaged in during years prior to the application.
 - (6) The name and address and occupational history of each person who will participate in operation of the amusement park.
 - (7) Whether the applicant will be present at and in continuous attendance while such amusement park is in operation.

- (8) Whether the applicant or any person he proposes to have participate in the operation of such amusement park has ever been convicted of any misdemeanor or crime.
 - (9) Plans and specifications of the amusement park and all structures of any kind on, or to be erected on the premises, including plans and specifications as to roadways and racetracks, if any, showing means of ingress and egress from and to the public highway, lighting, sanitary facilities and public water supply; and the proposed control of lighting equipment, noises, odors, dust, dirt and waste materials, so that they will not disturb the public peace, quiet, health, safety and welfare.
 - (10) A description of the nature of amusement to be presented to the public, including a statement of the time when it is proposed to use the premises for amusement park purposed, including an estimate of the number of patrons anticipated, number of cars, arrangements for parking and movement of the cars on the premises and off and onto the public highways, use and control of loud speakers or other noise producing instrumentalities, a statement of the means and method for control of dust, and odors and the disposal of waste and garbage, and all other facts or information requested by the Town Board in reference to the proposed operation of the amusement park to determine whether or not it would be detrimental to the public health, safety or welfare.
 - (11) A statement of the financial condition of applicant, the amount of investment contemplated, the income and expense anticipated such other facts as may be required to satisfy the Town Board that applicant is in a position to provide adequate public liability insurance in sums of not less than \$500,000 for an accident and property damage insurance in a sum of not less than \$25,000.
 - (12) A statement of such facts as may be required to satisfy the Town Board that applicant is in a position to furnish a bond in the sum of \$25,000 approved by the Town Attorney as to form and execution and with the condition that the applicant will not violate any of the provisions of this chapter and will pay all damages or judgments that may recovered against him by any person as a result of his operations under the permit.
- (c) Upon submission of the application to the Town Board it shall be referred to:
- (1) The County Health Dept., which shall investigate the amusement park or the plans for the use and operation of the amusement park, the sanitary facilities furnished or to be furnished for the public, the sources of supply of drinking water and the control of lights, noises, odors, dust, dirt, waste materials and shall report to the Town Board the result of such investigation, together with its conclusions as to whether the amusement park provides, or will provide the necessary facilities for the protection and preservation of the public health and welfare.
 - (2) The Building Inspector, who shall inspect the amusement park or the plans for the use and operation of the amusement park, and who shall report to the Town Board whether the amusement park complies or will comply with the laws of the State of Wisconsin and the building regulations of the State Department of Industry, Labor and Human Relations.
 - (3) The Town Constable or some other officer or employee designated by the Town Board who shall investigate the amusement park or the plans for the use and operation of the amusement park and the surrounding vicinity and the adequacy of parking facilities on the premises, and who shall report to the Town Board whether the operation of the

amusement park interferes, or would interfere with the normal and proper use of any federal, state, county or town highway in such a manner as to jeopardize the public safety or unreasonably impedes or would impede, the public use of the highways, or results or would result in the violation of any traffic safety regulation of the state or county, and who shall conduct an investigation as to the moral character and reputation of the applicant or the officer thereof and the persons engaged or to be engaged in the operation of such amusement park; and who shall report his findings to the Town Board.

22.05 ISSUANCE OF AMUSEMENT PARK PERMITS

- (a) Before acting upon any application, the Town Board shall review the application and instruments submitted therewith and the several reports required by Section 22.04.
- (b) A public hearing on such application shall be held by the Town Board at a regular or special meeting thereof. Notice of the meeting shall be posted by the Town Clerk not less than ten (10) days before the time set for the hearing, in at least five (5) public places in the vicinity of the proposed location of the amusement park. The notice shall describe particularly the location of the proposed amusement park, type of amusement proposed, shall give the names and addresses of the parties who are applying for such permit and the time and place for hearing upon the application.
- (c) In the event that the Town Board, upon consideration of the application, the several reports required, and all matters presented at the hearing, shall determine the use or operation of the amusement park disturbs, or would disturb, the peace and quiet, or in any manner adversely affect, or would affect the public health, safety, welfare or morals or the community or any portion thereof, it shall deny the application by formal action entered in the minutes of the Town Board. Otherwise it shall approve and grant the application and shall authorize and direct the issuance of a permit by the Town Clerk.
- (d) Before such permit shall be issued, the applicant shall file with the Town Clerk a bond in the sum of \$25,000, together with proper evidence showing that he has public liability insurance as provided in Section 22.04(b).

22.06 AMUSEMENT PARK OPERATION

No amusement park shall be used and operated in such manner as to disturb the public peace and quiet or affect adversely the health, safety, welfare or morals of the community, or any portion thereof, by reason of excessive or uncontrolled noise, odors, dust, dirt of waste materials, or by reason of the hours of operation thereof, or for any other reason.

22.07 REVOCATION OF AMUSEMENT PARK PERMIT

- (a) Upon conviction of the holder of any amusement park permit for the violation of any provision of this chapter or of any offense as is described in Section 22.03, the permit shall be revoked by

resolution of the Town Board. No stay of execution shall operate as a continuance of the permit, but a reversal of the judgment of conviction upon appeal and the filing of the certified copy of such judgment of reversal with the Town Clerk, shall operate as a reinstatement of the permit.

- (b) Any such permit shall be subject to revocation for cause by the Town Board at any time following a hearing at a regular or special meeting of the Town Board upon notice as given as prescribed in Section 22.05 and by service of such notice of hearing by personal service or by registered mail upon the holder of such permit at least 10 days before the hearing, upon a determination of the Town Board at the manner of use or operation of the amusement park is such that an initial or renewal application for a permit therefore would not be granted or that the provisions of this chapter have been violated.

22.08 AMUSEMENT PARK PERMITS, ASSIGNMENT

No permit issued pursuant hereto shall be assignable or inure to the benefit of any person other than the one to whom the permit was originally issued. Such permit shall not be transferable from one premises to another.

22.09 APPLICATION FOR TRANSIENT PUBLIC ENTERTAINMENT PERMIT

- (a) Application for a permit for transient public entertainment within the Town of Lisbon shall be filed with the Town Clerk; such application shall be in writing and set forth the following:
 - (1) Name, residence address and business address of the applicant.
 - (2) Location of the premises upon which the entertainment is to be held within the town.
 - (3) The applicant's right to use such premises, with copies of the instruments relied upon, as to such right to use the premises.
 - (4) A description of the nature of the transient public entertainment to be presented to the public and a statement of the time, or times, when it is proposed to conduct such transient public entertainment, including an estimate of the number of patrons anticipated, the number of cars, arrangements for parking and movement of the cars on the premises and off and onto the public highways, use and control of loud speakers or other noise producing instrumentalities, a statement of the means and method for control of dust and odors and for the disposal of waste, and garbage, and all other facts or information requested by the Town Board in reference to the proposed operation of the entertainment to determine whether or not it would be detrimental to the public health, safety or welfare.
 - (5) A statement of such facts as may be required to satisfy the Town Board that applicant is in a position to furnish liability insurance in a minimum sum of \$25,000 insuring any damage that may be caused to such persons going upon the premise for such entertainment.

- (b) The Town Clerk shall immediately transmit the application for a permit to the Town Board for its consideration. The Town Board shall further investigate the application and the entertainment proposed to be offered and the site upon which the entertainment is to be offered. It shall

investigate the sanitary facilities furnished, or to be furnished, to the public, sources of drinking water and the arrangements made for the control of lights, noises, odors, dust and dirt, arrangements made, or to be made, for the disposal of waste materials and any other materials in connection with the operation of the entertainment and shall investigate all other matters in relation to the entertainment to be offered as it relates to the protection and preservation of the public health, welfare and morals.

22.11 ISSUANCE OF THE TRANSIENT PUBLIC ENTERTAINMENT PERMIT

- (a) If the Town Board is satisfied that the site upon which transient public entertainment is proposed to be offered to the public is suitable for that purpose and that adequate parking facilities are provided off the highways for the patrons, and that the entertainment to be offered is not detrimental to the public health, welfare and morals of the community and the patrons attending the entertainment and that adequate toilet facilities are furnished for the patrons, and that adequate provisions have been made for the disposal of garbage and waste materials and that such entertainment will not cause a public nuisance, and that all of the other terms and provisions of this chapter have been complied with, it shall grant a permit to the applicant upon payment of the fee provided.
- (b) If the Town Board is not satisfied that all of the requirements herein set forth are met, it shall deny the application for such permit and shall notify the applicant within five (5) days of its denial of such application by registered mail or personal service of such notice of denial upon the applicant at the address stated upon the application for such permit. The Town Board shall state in its notice denying such application the reasons for denial thereof. The applicant shall have ten (10) days within which to petition the Town Board for a hearing upon the denial of such application. The Town Board shall, upon such application, hear the applicant and consider any testimony or evidence he wishes to offer in support of his application. If the Town Board is satisfied after such hearing that the applicant will comply with this chapter relative to transient public entertainment, the Town Board may grant the permit upon such terms and conditions as the Town Board may require as the conditions for granting such permit.
- (c) Prior to the granting of the permit the applicant shall furnish the Town Board with satisfactory proof that public liability insurance will be in force and effect as to such transient public entertainment during all the period that such transient entertainment is shown, in a minimum amount of \$25,000.
- (d) As further condition of the granting of such permit the Town Board may order and direct the applicant to pay the cost and expense for all police protection upon the premises used for such transient public entertainment, necessary to preserve order and for the movement of traffic on and off of said premises; such cost and expense to be determined by the Town Board and paid at the time the permit is issued.

22.12 REVOCATION OF TRANSIENT PUBLIC ENTERTAINMENT PERMIT

The Town Board may revoke any permit issued for any transient public entertainment if in its opinion such entertainment as shown is detrimental to the public morals and welfare of the patrons thereof and to the

community, or in the event the entertainment is conducted in such a manner as to create a public nuisance by reason of excessive noise, odors, dust, dirt or waste materials or by reason of the hours of operation thereof, or by reason of the violation of any of the terms of provisions of this chapter. In the event of such revocation immediate notice thereof shall be given in writing to the applicant or person in charge of the entertainment, who shall cause the immediate suspension of all further showings of the entertainment until such time as the applicant satisfies the Town Board that the cause for revocation of the permit has been remedied.

22.13 TRANSIENT PUBLIC ENTERTAINMENT PERMIT FEES

- (a) A permit fee for transient public entertainment shall be set by resolution adopted by the Town Board from time to time.
- (b) No refund of a permit fee shall be made if the permit is revoked for any of the causes specified in this chapter, or if the permittee elects to suspend showing of such entertainment prior to the expiration of the permit.
- (c) The Town Board may in its discretion, waive the payment of fees required for transient public entertainment, if such transient public entertainment is offered by any fraternal, benevolent or religious society and in that event such fraternal, benevolent or religious society shall assume and be liable for such entertainment so that the same does not conflict with the provisions of this chapter.

22.14 LOCATION OF TRANSIENT PUBLIC ENTERTAINMENT

Transient public entertainment within the Town of Lisbon shall be permitted only within such areas in the town included in agricultural district, commercial district, light industrial district, and heavy industrial district as defined under the zoning ordinance of the town.

22.15 EXEMPTIONS

No permit shall be required or permit fee paid under this chapter for the maintenance and operation of an amusement park or transient public entertainment as defined in this chapter where such amusement park or transient public entertainment is operated and maintained solely for members of the owner or operator of such amusement park or transient public entertainment and their guests.

REVISIONS TO MASTER CODE			
SECTION	R&R / CREATED	ORD WHICH UPDATED IT	UPDATED ON DATE
22.13(a)	R&R	04-17	2017-04-03