

## ORDINANCE NO. 2689

**ORDINANCE TO AMEND CHAPTER 152 (LICENSES AND PERMITS) OF THE  
MUNICIPAL CODE OF THE CITY OF NEW BERLIN**

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The Common Council of the City of New Berlin do ordain as follows:

**SECTION I**

Section 152-4H(5) of the Municipal Code of the City of New Berlin is hereby amended to read as follows:

- (5) Abandonment of license. Any licensee granted or issued a license to sell alcoholic beverages who abandons such business shall forfeit any right or preference the licensee may have to the holding or renewal of such license. Abandonment shall be sufficient grounds for revocation or nonrenewal of any alcohol beverage license. For purposes of this section, "abandon" and "abandonment" shall be defined as a continuing refusal or failure of the licensee to use the license for the purpose or purposes for which the license was granted by the Common Council for a period of 180 days or more individually or in the aggregate during the course of any one twelve-month period. In order for the licensee to avoid a finding of abandonment their establishment must be actively operated for the sale of alcoholic beverages for consumption on site as provided for in the Class B License issued to the owner/operator, specifically the establishment shall be open for sale of alcohol to the public for consumption on site a minimum of 25 hours per week and the licensee must main stock of alcohol to operate the bar as a going concern and such beer/liquor shall be purchased from a wholesaler. The Common Council may, for good cause shown, extend the period of permitted nonuse.

**SECTION II**

Section 152-4L of the Municipal Code of the City of New Berlin is hereby amended to read as follows:

- L. City Clerk to conduct investigation of applicants. Upon receipt of each application, the Clerk will make and complete an investigation of the statements in such application and an investigation of each applicant within reasonable dispatch after the application has been filed with the City Clerk. The City Clerk shall endorse his findings upon the application.

**SECTION III**

Section 152-4M(2)(b) of the Municipal Code of the City of New Berlin is hereby amended to read as follows:

- (b) Application. The application for the temporary extension of licensed premises shall be filed not less than 30 days prior to the date upon which the applicant wishes the matter to be considered by the Common Council, which date shall be not less than two weeks prior to the proposed special event. Applications shall be made on forms provided by the City Clerk and must be signed and sworn to by

the applicant, if an individual, one partner of a partnership or by a duly authorized agent, officer or member of a corporation or limited liability company. The application shall include the following:

- [1] The name, business address and telephone number of the applicant.
- [2] The address of the existing licensed premises.
- [3] The type of license currently held.
- [4] Specific description of the site for which the temporary extension is sought, including the dimensions of the area.
- [5] The location of exits.
- [6] The manner in which the licensed premises area will be restricted and screened from underage persons.
- [7] The name of the particular event or function for which the temporary extension of the licensed premises is sought.
- [8] The date and period of time for which the particular event or function will be operated.
- [9] Such other reasonable and pertinent information as the Common Council may require.

#### **SECTION IV**

Section 152-4O of the Municipal Code of the City of New Berlin is hereby amended to read as follows:

- O. Reserve licenses. If an applicant applies for less than a full license year or terminates their license before the end of a license year, the reserve license fee and any portions thereof will not be refunded, nor will they be prorated.

#### **SECTION V**

Section 152-4Q of the Municipal Code of the City of New Berlin is hereby amended to read as follows:

- Q. Alcoholic beverages on City property or public rights-of-way.
- (1) The sale of alcoholic beverages on City property or public rights-of-way is hereby prohibited except with an approved Special Event Permit. The sale of alcoholic beverages on City property for City-run events (i.e., Fourth of July Festival, Beer Gardens, Winterfest, etc.) does not require a Special Event Permit.
  - (2) An exception to this prohibition would be sales by City of New Berlin Staff in Municipal Parks as permitted pursuant to Wisconsin Statute Sec. 125.06(6).
  - (3) The public consumption of alcoholic beverages on City property and public rights-of-way is prohibited, except where the City has issued an Extension of Premise Permit to a Class B alcohol beverage seller or where a Temporary Class B License has been issued.

## SECTION VI

Section 152-4R(2) of the Municipal Code of the City of New Berlin is hereby amended to read as follows:

- (2) Abandonment of license. Any licensee granted or issued a license to sell alcoholic beverages who abandons such business shall forfeit any right or preference the licensee may have to the holding or renewal of such license. Abandonment shall be sufficient grounds for revocation or nonrenewal of any alcohol beverage license. For purposes of this section, "abandon" and "abandonment" shall be defined as a continuing refusal or failure of the licensee to use the license for the purpose or purposes for which the license was granted by the Common Council for a period of 180 days or more individually or in the aggregate during the course of any one twelve-month period. In order for the licensee to avoid a finding of abandonment their establishment must be actively operated for the sale of alcoholic beverages for consumption on site as provided for in the Class B License issued to the owner/operator, specifically the establishment shall be open for sale of alcohol to the public for consumption on site a minimum of 25 hours per week and the licensee must main stock of alcohol to operate the bar as a going concern and such beer/liquor shall be purchased from a wholesaler. The Common Council may, for good cause shown, extend the period of permitted nonuse.

## SECTION VII

Section 152-5A of the Municipal Code of the City of New Berlin is hereby amended to read as follows:

- A. License required. No direct seller, or an employee of a direct seller, shall engage in direct sales within the City without being licensed for that purpose as provided herein. A copy of the direct sellers permit and mobile retail license shall be posted on the mobile unit for public view.

## SECTION VIII

Section 152-5B of the Municipal Code of the City of New Berlin is hereby amended to read as follows:

- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

### **CLERK**

The City Clerk.

### **DIRECT SELLER**

A person who sells goods or takes sales orders for the later delivery of goods at any location other than the permanent business place or residence of such person, partnership, association or corporation.

### **GOODS**

Personal property of any kind and provided incidental to services offered or sold.

## **MOBILE VENDOR**

A person who offers goods or services for sale to the public without a permanently built structure but with a self-contained static structure by way of a vehicle or other transportation. Food trucks are considered mobile vendors.

## **PERMANENT MERCHANT**

A direct seller who, for at least one year prior to the consideration of the application of this section to such merchant, has continuously operated an established place of business in this City or has continuously resided in this City and now does business from his residence.

## **SECTION IX**

Section 152-5C(13) of the Municipal Code of the City of New Berlin is hereby amended to read as follows:

- (13) Any charitable organization, society, association or corporation which is recognized as a tax-exempt charitable organization by federal and state authorities.

## **SECTION X**

Section 152-5D of the Municipal Code of the City of New Berlin is hereby amended to read as follows:

### **D. License requirement.**

- (1) Direct Sellers Permit. All mobile vendors doing business in the City will be required to obtain a direct sellers permit. The following information shall be provided:
- (a) Application. A completed application shall contain the following information:
- [1] Name, including middle initial, permanent address and telephone number and, if any, temporary address and telephone number.
  - [2] Name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by or whose merchandise is being sold.
  - [3] Contact information for the business, including temporary address, phone number and/or website.
  - [4] Nature of business to be conducted and a brief description of the goods and any services offered.
  - [5] Proposed method of delivery of goods, if applicable.
  - [6] Make, model and license number of any vehicle to be used by the applicant in the conduct of his/her business.
  - [7] Last cities, villages and/or towns, not to exceed three, where the applicant conducted similar business.
  - [8] Place where the applicant can be contacted for at least seven days after leaving this City.

- [9] Statement as to whether the applicant has been charged or convicted of any crime or ordinance violation related to the applicant's transient merchant business, or any crime or ordinance violation pertinent to the safety of citizens, including, or of a similar nature to, fraud, burglary, robbery, assault or sexual assault, within the last five years, and a detailed explanation of the nature of the offense and place of conviction.
- (b) Driver's license, or other proof of identity.
- (c) Fees. At the time the registration is returned, a fee to cover the cost of processing the registration, as well as the required annual license fee, shall be paid to the Clerk. Such fees are on file with the Clerk's Office.
  - [1] An additional fee shall be collected for Direct Sellers operating on or along City property for non-City sponsored events.
- (2) Obtain a mobile retail license from either the State of Wisconsin or another jurisdiction. A copy of this license shall be on file with the City of New Berlin Clerk's Office.

## SECTION XI

Section 152-5E of the Municipal Code of the City of New Berlin is hereby amended to read as follows:

### E. General regulations for Mobile vendors.

- (1) Parking.
  - (a) Vendors must follow all City parking regulations and posted signage. Overnight parking within the city limits is not permitted unless the mobile vendors place of business is a registered New Berlin business.
  - (b) Vendors cannot block or restrict an individual's access to a business or residence or the driveways, alleys, or access points to the parking areas for such locations.
  - (c) Operating within the public right-of-way.
    - [1] Vendors are prohibited from selling along the following rights-of-way, arterials and major thoroughfares at all times: Calhoun Road, Cleveland Avenue, Greenfield Avenue, Lincoln Avenue, Moorland Road, National Avenue, Howard Avenue, Beloit Road, Coffee Road, Lawnsdale Road, Janesville Road, Racine Avenue, College Avenue, Sunny Slope Road, 124<sup>th</sup> Street, Small Road, and Grange Avenue.
    - [2] Vendors are prohibited from selling within public right-of-way along single family residential streets without a special event permit.
  - (d) Operating on or along City property.
    - [1] Approval from the Parks, Buildings and Grounds Commission is required for Direct Sellers operating on or along City property. Direct seller applicants operating on City property as part of a City-run event (i.e., Fourth of July Festival, Beer Gardens, Winterfest, etc.) shall be exempt.
    - [2] An additional fee shall be collected for each event the Direct Seller is operating on or along City property. This additional fee shall not apply to direct seller applicants operating on City property as part of a City-run event (i.e., Fourth of July Festival, Beer Gardens, Winterfest, etc.).
  - (e) Operating on private property.

- [1] No more than 2 mobile vendors are allowed to operate on private property at any given time, unless approved as part of a special event permit.
  - [2] For properties directly adjacent to single family residential zoning districts, excluding the right-of-way, no more than 1 mobile vendor is allowed to operate on private property at any given time, unless approved as part of a special event permit. Mobile vendors shall be limited to operate a maximum of 6 days per year on such property.
  - [3] The vehicle utilized by mobile vendors shall be setback a minimum of 150' from the lot line, excluding the right-of-way, of a lot with an existing restaurant or business which sells food prepared on site.
- (2) Sales.
- (a) It is prohibited to make any sales from the roadway median strip, safety island or on foot into any street or roadway, including any alleys where there is vehicular traffic.
  - (b) Food cannot be sold door to door.
  - (c) Mobile vendors may only operate between 7:00 a.m. and 10:00 p.m. Direct seller applicants operating on City property as part of a City-run event (i.e., Fourth of July Festival, Beer Gardens, Winterfest, etc.) shall be exempt.
  - (d) Vendors cannot place coolers on the ground or provide tables or chairs for their customers. Direct seller applicants operating on City property as part of a City-run event (i.e., Fourth of July Festival, Beer Gardens, Winterfest, etc.) shall be exempt.
  - (e) No vendor shall use a power source from an adjacent building, and vendors must be self-contained.
  - (f) All waste shall be disposed of properly by the vendor; no organic waste shall be deposited into the City sanitary sewer system.
  - (g) The vehicle shall provide a trash receptacle and remove all trash from the site upon the conclusion of the event.

#### **SECTION XII**

Section 152-6 of the Municipal Code of the City of New Berlin is hereby repealed.

#### **SECTION XIII**

Section 152-9 of the Municipal Code of the City of New Berlin is hereby amended to read as follows:

- A. Noise shall comply with the standards set forth in Chapter 275-60 of the Zoning Code and/or the Special Event Permit.

## SECTION XIV

Section 152-23 of the Municipal Code of the City of New Berlin is hereby amended to read as follows:

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

### **CLASS I**

A special event as outlined in DHS 110.44(20r) with more than 5,000 people, including personnel, volunteers, vendors, and attendees. Some of the following may also occur:

- City resources and/or staff are to be utilized beyond their normal required duties
- alcohol is sold or served as a publicly open event
- the event will include amplified music or outdoor entertainment
- any direct or indirect charge for food, merchandise or services
- donations are solicited/collected

### **CLASS II**

A special event with 501-5,000 people, including personnel, volunteers, vendors, and attendees. Some of the following may also occur:

- City resources and/or staff are to be utilized beyond their normal required duties
- alcohol is sold or served as a publicly open event
- the event will include amplified music or outdoor entertainment
- any direct or indirect charge for food, merchandise or services
- donations are solicited/collected

### **CLASS III**

A special event with 151-500 people, including personnel, volunteers, vendors, and attendees. Some of the following may also occur:

- alcohol is sold or served as a publicly open event
- the event will include amplified music or outdoor entertainment
- any direct or indirect charge for food, merchandise or services
- donations are solicited/collected

### **CLASS IV**

A special event with 150 people or less, including personnel, volunteers, vendors, and attendees.

### **SPECIAL EVENT**

An event held in the City that requires the use of public streets, rights-of-way or sidewalks, or are otherwise likely at the discretion of the City to create substantial impacts on the operations of the City, surrounding neighbors or neighborhoods. Special events include but are not limited to sporting events, festivals, fairs, parades, walks, runs/marathons, bike-a-thons, races, markets, block parties, exhibitions, motion picture filming and other events similar in nature. Special events can also be classified as any event that may require public safety and City services above and beyond their normal functions. Events held on private property that are open to the public may be classified as a special event if there is a significant impact on the City's operations and residents.

B. Special Event Permit. No person or organization shall conduct a special event as defined herein within the City of New Berlin without first having obtained a Special Event Permit. Permits are valid only for the dates, times and locations specified in the permit application. This provision shall apply

to all events proposed after the date of the adoption of this section, regardless of if the event is a reoccurring event within the City.

C. Application.

- (1) Application requirements. An application will be considered complete if it contains all the information required under this section.
  - (a) Application timing.
    - [1] Class I Special Event Permits shall be filed with the City Clerk's office at least 120 days prior to the proposed event.
    - [2] Class II Special Event Permits shall be filed with the City Clerk's office at least 90 days prior to the proposed event.
    - [3] Class III Special Event Permits shall be filed with the City Clerk's office at least 45 days prior to the proposed event.
    - [4] Class IV Special Event Permits shall be filed with the City Clerk's office at least 14 days prior to the proposed event.
  - (b) Fees. Fees are established by the Common Council and shall be on file in the City Clerk's Office. The City Clerk may waive the permit fees for public agencies, nonprofit agencies or as deemed appropriate by the City Clerk.
  - (c) Deposits for Class I Events. Application fee in the form of a deposit shall be submitted to the City for all Class I events. The deposit shall be used to cover City staff review, planning time and coordination to review the application itself and through the completion of the event. Staff will use their direct billable hours to debit the submitted deposit amount. Should the deposit itself go down to zero, the applicant shall replenish the deposit to the original amount. Any remaining deposit funds after the permit is issued or denied shall be returned to the applicant. The deposit will start at \$1,000.
  - (d) The application shall include the following:
    - [1] The name, address and phone number of the person, entity or organization sponsoring the event.
    - [2] The name and address of the special event sponsor's contact or agent.
    - [3] The name, date, time and location of the event in question.
      - [a] Special events in residential neighborhoods may require notification of adjacent neighbors.
    - [4] A description of the event and its purpose.
    - [5] The estimated maximum number of participants, spectators and vendors at the proposed event. If the event is a multi-day event, it should be noted the estimated attendance per day.
    - [6] Whether alcohol will be sold or served at the event.
    - [7] Whether food and/or merchandise will be sold at the event.
    - [8] Plans and description of the following, as necessary for the event:
      - [a] Amplified music or entertainment and the hours;
      - [b] Fireworks;
      - [c] Closure of public streets or rights-of-way meeting the requirements of §230-6 of the Municipal Code;
      - [d] Parking size and location;

- [e] Electricity and lighting plan;
  - [f] Erecting tents, canopies or temporary structures;
  - [g] Temporary fencing locations;
  - [h] Waste/recycling collection and disposal;
  - [i] Portable restrooms and hand wash stations.
- [9] Additional items to consider:
- [a] Additional security personnel;
  - [b] Emergency plan for inclement weather;
  - [c] Potable water for consumption on site;
  - [d] Medical/first aid kits.
- [10] Certification that by signing the application, the applicant is authorized to act on behalf of the event sponsor(s).
- [11] Applicant's acknowledgement that by signing and submitting the application, they accept and comply with the provisions of § 152-23D.
- (2) Application process.
- (a) Facility Rental Permit.
    - [1] Special events held on City Property shall obtain a Facility Rental Permit from the Recreation Department prior to applying for a Special Event Permit.
    - [2] Approval from the Parks, Buildings and Grounds Commission is required for Facility Rentals requiring a Special Event Permit.
  - (b) Temporary Use Approval Permit.
    - [1] Special events on private property may require a Temporary Use Approval Permit from the Department of Community Development prior to applying for a Special Event Permit. Applicants shall abide by the provisions of §275-43 of the Municipal Code.
    - [2] Approval from the Plan Commission/CDA may be required.
  - (c) Special Event Permit.
    - [1] Within three business days of receipt of an application, the City Clerk shall distribute the complete application to the following departments for review and recommendation: City Attorney, Police, Fire, Public Works, and Community Development. Department review and comments shall be returned to the City Clerk within 14 days of distribution of the application.
    - [2] Common Council approval may be required depending on the size and scope of the special event.
  - (d) Direct Sellers Permit.
    - [1] All vendors, including mobile vendors, operating on City Property, public rights-of-way, and/or private property shall obtain a Direct Sellers Permit from the Clerk's Office. The permit shall be displayed. Vendors shall abide by the provisions of §152-5 of the Municipal Code.
    - [2] Approval from the Parks, Buildings and Grounds Commission is required for Direct Sellers operating on City property.
  - (e) Temporary Class B Retailer's License.

- [1] The sale of beer and/or wine on City Property, public rights-of-way, and/or private property is prohibited unless the applicant can secure a Temporary Class B Retailer's License from the Clerk's Office. There must be either a licensee or a person holding an operator's license on site in accordance with §§ 125.17(1), 125.32(2), and 125.68(2), Wis. Stats. Applicants shall abide by the provisions of §152-4 of the Municipal Code.
- [2] Approval from the Parks, Buildings and Grounds Commission is required for all vendors selling beer and/or wine on City property.
- (f) Fireworks Permit.
  - [1] Special events using fireworks on City Property, public rights-of-way, and/or private property shall obtain a Fireworks Permit from the Fire Department. Applicants shall abide by the provisions of §124-12G of the Municipal Code.
  - [2] Approval from the Common Council is required for fireworks.
- (g) Sign Permit.
  - [1] Signs on City Property, public rights-of-way, and/or private property shall obtain a Sign Permit from the Department of Community Development. Applicants shall abide by the provisions of §275-61 of the Municipal Code.
  - [2] Approval from the Plan Commission/CDA is required for any sign waivers.
- (h) Inspection Permits.
  - [1] Obtain the necessary building, plumbing and electric permits from the Department of Community Development.
- (i) Fire Department Permits.
  - [1] Obtain necessary permits for tents, canopies, and temporary structures over 120 square feet from the Fire Department.

D. Permit conditions.

- (1) Liability insurance. For a Class I or Class II event, the group sponsoring the event is required to supply the City with a certificate of liability insurance at least 30 days prior to the event. The certificate shall be written on a per-occurrence basis, and while the amount of coverage will vary depending on the size and nature of the event, the minimum coverage required by the City is \$1,000,000 and \$2,000,000 in the aggregate. The City also requires evidence of a policy endorsement naming the City of New Berlin and any and all of its officers and employees as an additional insured on a primary and noncontributory basis.
- (2) Indemnification. The applicant and event sponsor(s) shall agree to hold the City, its officers, employees, agents and contractors harmless against all claims, liability, loss, damage or expense (including but not limited to actual attorney's fees) incurred by the City for any damage or injury to person or property caused by or resulting directly or indirectly from the activities for which the permit is granted. Any change to coverage requires City approval.
- (3) City services. All requests by the applicants for City services must be made at the time of application. The applicant shall be responsible for reimbursement to the City for any city personnel, services, equipment, and facilities provided for the special event. Reimbursement costs shall be calculated to include wages, overtime and fringe benefits and is due within 30 days of receipt of invoice. The City reserves the right to require full or partial payment of estimated costs in advance. All permit, signage and barricade costs are due prior to the special event. City Clerk will prepare an invoice based on the City resources required for the event.
- (4) Cleaning/damage deposit. The applicant may be required to submit to the City a deposit depending on the size and number of attendees. The deposit will be refunded to the

applicant after an inspection of the premises is conducted and the City determines there is no loss or cleaning costs. The applicant shall be fully responsible for necessary cleanup associated with the permitted event, which must be completed no later than 12 hours after the conclusion of the event. The City reserves the right to retain the entire deposit if cleanup is not satisfactorily completed in the time frame specified.

- (a) A deposit of \$5,000 shall be submitted for a Class I Special Event.
  - (b) A deposit of \$200 shall be submitted for a Class II Special Event.
- (5) Site requirements.
- (a) All tents, canopies or temporary structures over 120 square feet require approval from the Department of Community Development and must apply for a permit with the Fire Department.
  - (b) Electricity requirements will be reviewed by the Department of Community Development to determine if an inspection is needed. Electric service must meet all City of New Berlin Code requirements.
  - (c) Attendees and staffing shall not exceed the maximum number which can reasonably attend at the location of the special event.
  - (d) It is the responsibility of the special event sponsor for arranging any inspections required to meet these standards or requirements prior to the event. Any fees for such inspections shall be the responsibility of the special event sponsor.
  - (e) No staking or poles other than fasteners may be placed in any City street.
  - (f) Special events requiring a road closure shall comply with §230-6 of the Municipal Code.
- (6) Notification to residents. The City may require that the permit holder provide written notice 15 days in advance of the special event to any property owners or tenants as determined during the City department's review. Notice shall include the type of event, name of the special event sponsor(s), date, time and location, event coordinator's name and contact information during the event.
- (7) Special Events requiring a road closure, except for City run events, shall comply with the following standards:
- (a) A public street shall not be barricaded for recreational purposes for more than 12 hours.
  - (b) The applicant shall provide evidence of written consent of not less than 80% of the property owners abutting the portion of the street to be closed. The applicant is also required to provide evidence that all abutting property owners have been advised of the request for closure.
  - (c) Road closures are only permitted for local streets that are public, not arterial streets that are public. The applicant shall be required to provide a map showing the portion of the street to be closed and where the barricades will be placed.
  - (e) The applicant must be the owner of a property on the street where the event is to be held and shall assume responsibility under the permit for the event, which includes compliance with all City Ordinances, the clean-up of the public right of way, and the return of all City barricades within 48 hours of the event.
  - (f) Barricades to close the street must remain in place for the duration of the event. The applicant must ensure that a drive lane through the blockaded street area of not less than 15' in width shall be provided so that all City emergency service vehicles are able to access properties within the blocked street.
  - (g) If alcohol is being served at the event, it may only be to persons of age and may not

be provided to any uninvited guests. Alcohol cannot be sold.

- (h) Grills may be permitted in the right-of-way, subject to the limitations of this section. Smokers, fireplaces, fire pits, chimineas, and inflatable play structures are prohibited in the right-of-way.
  - (i) All waste and debris must be cleaned up and properly disposed of after the event ends. Public rights-of-way must be restored to the condition that existed prior to the commencement of the event.
  - (j) If complaints are received by the Police Department which are not satisfactorily resolved, the Police Department shall have the authority to revoke the permit and to terminate the event.
  - (k) A permit request may be denied if complaints have been received regarding Special Events on the same street in the past, or if the applicant has failed to comply with the requirements of any City Permits in the past.
  - (l) Special Events requiring a road closure shall not occur on holidays.
- E. Termination of an event. The City reserves the right to shut down a special event that is in progress if it is deemed a public safety hazard and/or public nuisance by police services and/or Fire Department and/or Emergency Management and/or there is a violation of City ordinances, state statutes or the terms of the applicant's permit. The City Clerk and/or his/her designee may revoke an approved special event permit. Note: there are also revocation, enforcement and penalties provided for in Article X in § 275-66, 275-67, 275-68, and 275-69. If the zoning permit/temporary use permit is revoked, there ceases to be an event.
- F. Denial of permit. No permit will be issued unless it is approved by all departments.
- (1) The event will disrupt traffic within the City beyond practical solution.
  - (2) The event will create a likelihood of endangering the public.
  - (3) The event will interfere with access to emergency services.
  - (4) The location or time of the special event will cause undue hardship or excessive noise levels to adjacent businesses or residents.
  - (5) The event will require the diversion of City resources that would unreasonably affect the maintenance of regular City service levels.
  - (6) The application contains incomplete or false information.
  - (7) The application fails to provide proof of insurance when required.
  - (8) Inadequate provision for garbage or debris removal.
  - (9) Inadequate provision of temporary restroom facilities.
  - (10) Inadequate provisions for parking.
  - (11) A denial of a permit by the Parks Buildings and Grounds Commission where the event is no longer viable.
  - (12) A denial of a temporary use permit by the Department of Community Development or the Plan Commission/Community Development Authority.
  - (13) Applicant fails to submit the required fees and/or deposit.

## SECTION XV

All Ordinances or parts of Ordinances contravening the terms and conditions of this Ordinance are hereby to that extent repealed.

**SECTION XVI**

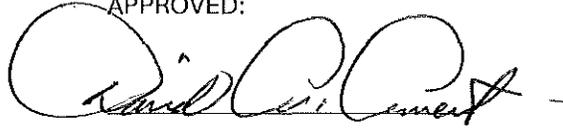
The several sections of this Ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the Ordinance.

**SECTION XVII**

This Ordinance shall take effect upon passage and publication as approved by law, and the City Clerk shall so amend the Code of Ordinances of the City of New Berlin and shall indicate the date and number of this amending ordinance therein.

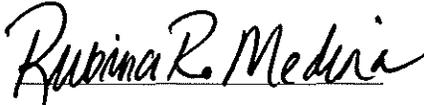
**PASSED AND ADOPTED** by the Common Council this 23<sup>rd</sup> day of July, 2024.

APPROVED:

A handwritten signature in black ink, appearing to read "David Ament", written over a horizontal line.

David Ament, Mayor

Countersigned:

A handwritten signature in black ink, appearing to read "Rubina R. Medina", written over a horizontal line.

Rubina R. Medina, City Clerk