

ARTICLE XII. - SPECIAL EVENTS

FOOTNOTE(S):

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**Editor's note**— At the city's instruction Ord. No. 2010-038, adopted Apr. 5, 2010, replaced in its entirety Art. XII §§ 16-290—16-299, and enacted new provisions as set out herein. The former provisions pertained to similar subject matter. For complete derivation see the Code Comparative Table at the of this volume.

Sec. 16-290. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Appeals official* means the city administrator, or his designee.

*Athletic event* means any event involving the conduct of exercises, sports or games.

*Block party* means a closure of a single block of a residential street for a single day for a neighborhood celebration, with all residents of the block area invited. Private parties such as weddings, anniversaries, and graduations are not block parties.

*City events coordinator* means persons designated by the city administrator as being responsible for issuing permits for special events. The city administrator may designate additional persons to be responsible for additional permits or licenses required.

*Commercial event* means any special event organized and/or conducted by a person or organization that does not qualify as tax exempt or charitable. These events are generally fee-paying activities and/or organized for publicity purposes. A portion of proceeds may be directed to a charitable organization or purpose, but this does not change the classification of the event.

*Community event* means an event organized for the benefit of the general public or neighborhood, for the purpose of celebrating community arts, recreation or culture, or to commemorate a holiday, seasonal or special day to the community.

*Estimated attendance* means a good faith estimate, based on all relevant factors known at the time, including past attendance at similar functions, prior experience, price of admission or participation, and extent of advertising and promotion contemplated.

*First Amendment activity* means includes all expressive and associative activity that is protected by the United States and Illinois Constitutions, including speech, press, assembly, and/or the right to petition. Commercial advertising is regulated elsewhere in the city's ordinances.

*Non-profit or charitable event* means an event organized by and with proceeds going to a charitable or non-profit purpose. In these cases, all or nearly all of the proceeds are directed to a registered charity or not-for-profit, which would include an organization for which money or property is used for the benefit of any charitable, religious, benevolent, humane, philanthropic, patriotic, civic or eleemosynary purpose.

*Parade* means a march, ceremony, pageant, procession or other similar activity consisting of persons, animals, vehicles or things, or any combination thereof, upon any public street, sidewalk, alley or other property owned or controlled by the city, which requires a street closing or otherwise requires police officers to stop or reroute vehicular traffic because the marchers will not comply with normal and usual traffic regulations or controls. A funeral procession is not a parade.

*Public assembly* means:

- (1) A company of persons which is reasonably anticipated to obstruct the normal flow of traffic upon the public way and that is collected together in one place; or
- (2) Any organized march or procession of persons upon any public sidewalk that is reasonably anticipated to obstruct the normal flow of pedestrian traffic on the public way, but which does not meet the definition of a parade set forth in this subsection. Peaceful picketing upon a public sidewalk or parkway that does not obstruct the normal flow of pedestrian traffic shall not be considered a public assembly.

*Public property* means any property owned or controlled by the city, including streets, the downtown mall and city parking lots. Davis Park shall not be considered public property for purposes of this article.

*Sidewalk* means that portion of the street right-of-way which is designated for the use of pedestrians and may be paved or unpaved and shall include easements and rights-of-way.

*Special event* means an athletic event, block party, commercial event, community event, non-profit or charitable event, parade, public assembly or any planned temporary aggregation of attractions, including public entertainment, food and beverage service facilities, sales of souvenirs or other merchandise, or similar attractions, that is:

- (1) Conducted on public property; and/or
- (2) Requires special city services, including, but not limited to, any of the following: street closures, provision of barricades, temporary "no parking" signs and designations, or special police, fire or EMT protection; and/or
- (3) Not otherwise allowed under the regulations of the zoning ordinance.

*Street* means the entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter or right, for the purpose of vehicular traffic, including that portion that is known as the shoulder of the roadway or curb.

*Tax exempt or not-for-profit (n-f-p)* means an organization that has been recognized as tax exempt by the Internal Revenue Services at least six months prior to the event date and is in good standing with the IRS. If you are a bona fide tax-exempt nonprofit organization, a copy of the IRS 501(c)(3) tax exemption letter certifying your current tax status is required.

(Code 1970, § 16-290; Ord. No. 2005-48-O, 3-21-2005; Ord. No. 2008-104-O, § 16-290, 5-27-2008; Ord. No. 2010-038-O, § 16-290, 4-5-2010)

Sec. 16-291. - Permit required.

It shall be a violation of this Code for any person to stage, present, conduct, promote, manage, aid or solicit attendance at a special event without having first obtained a permit from the city, pursuant to this article and other procedures adopted by the city council. Events in violation of this code may be subject to a fine. Issuance of a permit does not obligate the city to provide city services, equipment or personnel in support of the event.

(Ord. No. 2010-038-O, § 16-291, 4-5-2010)

Sec. 16-292. - Application.

(a) Complete applications along with all required supporting documents must be submitted to the City for review 90 days before the first scheduled day of the event.

(b) Applications that are not fully completed, signed and accompanied by the required fee and, if required, an executed hold harmless agreement and proof of insurance, shall be denied by the special event coordinator if said deficiencies are not corrected before the last date by which an application may be accepted. The city administrator or his designee shall notify the applicant or responsible agent in writing as to any application deficiencies within ten business days of receipt of the application.

(c) The person, entity or group responsible for the event shall enter into a reimbursement contract for all city services expended in the implementation of the event. The person, entity or group responsible for the event shall be assessed fees for City services at the rate outlined in the annual fee schedule.

(d) Any requests for in-kind donations, discounts must be submitted in writing at the time the application is submitted.

(e) The event manager must obtain the approval of the Alderman of the ward in which the event will be held.

(f) The event manager must communicate in good faith to all homes and businesses in the event footprint.

(g) All information provided on the application shall be complete and truthful.

(h) A nonrefundable processing fee and completed applications, together with all required attachments must be submitted to the mayor's office no later than 90 days before the proposed date of the special event. Incomplete applications and applications not submitted at least 90 days before the proposed special event shall be denied or charged an additional processing fee as outlined in the annual fee schedule.

(i) Compliance with all applicable ordinances is required.

(j) Fees incurred for City services shall not be waived.

(k) Permit fees for S, SP, and SPF liquor permits are assessed at a per diem rate. All permit fees must be paid prior to issuance of permits.

(Ord. No. 2010-038-O, § 16-292, 4-5-2010)

Sec. 16-293. - Special event guidelines.

(a) In reviewing an application the departments involved shall consider the following:

(1) The impact of the special event on the traffic, security, health and safety of the public and the plans of the applicant to address such impacts;

(2) A determination by city departments through plans for addressing any such impacts are appropriate and reasonable to address traffic, security, health and safety concerns;

(3) The demonstrated ability of the applicant to comply with requirements necessary to protect the safety, health and welfare of the public and any past history of the applicant in complying with such requirements;

(4) The location and duration of the special event and the city's ability to accommodate the event with the necessary resources;

(5) Other previously requested special events, performance and adherence to code of past special events and

(6) The extent to which the event contributes to the economic revitalization and business development of the city.

(7) Any violation of city or state ordinances in past events.

(8) Adjacent property owners' support for the event.

(b) Nothing in this article shall authorize the denial of a permit based upon the content of the view expressed. The city does not have the authority over the content of views expressed by the applicant or participants.

(Ord. No. 2010-038-O, § 16-293, 4-5-2010)

Sec. 16-294. - Denial and appeal.

(a) A notice of denial shall set forth the grounds upon which the permit was denied.

(b) Any special event permit issued pursuant to this article may be revoked at any time before or during a special event if the chief of police, fire chief, city administrator or their designee determine:

(1) The event cannot be conducted without violating the standards or conditions for the permit issuance;

(2) The event is being conducted in violation of any condition of the permit;

(3) The event is being conducted in a manner contrary to the proposal set forth in the application for a special event permit;

(4) The event poses a threat to health or safety;

(5) The event organizer or any person associate the event has failed to obtain any other permit required pursuant to state or local law or Codes of Ordinances;

(6) The permit was issued in error or contrary to law or as a result of material misrepresentation of information by the applicant.

(c) Notice of revocation shall be in writing and shall specifically set forth the reasons for revocation. In the case of an immediate threat to health or safety, verbal notification of the revocation may be provided.

(d) An applicant may appeal the denial or revocation of an application by the assistant city administrator by filing a written request for an appeal setting forth the grounds for the appeal with the mayor's office within five business days of the date of the written denial. The mayor shall review the appeal documents and issue a decision to issue or withhold a permit within five business days of receipt of the appeal documents. The decision to issue or withhold the denial shall be based solely on the criteria articulated in this article and shall be a final administrative decision subject to judicial review as provided by law.

(Ord. No. 2010-038-O, § 16-294, 4-5-2010)

Sec. 16-295. - Indemnification and insurance.

(a) The event applicant shall agree in writing on the form provided by the city to indemnify, save harmless, and defend the city, its agents, officers and employees, from all suits, claims, damages, or demands for injuries to persons or property to which the city may be subject to as arising out of the special event.

(b) For special events occurring on public property, the applicant shall submit, with the application, a certificate of insurance evidencing general commercial liability insurance, with limits to be determined by the city naming the city as an additional insured and listing the city as the certificate holder. Each applicant shall maintain said insurance in full force and effect for the duration of the permit period. Failure of the permit holder to maintain such insurance during the periods indicated above shall result in the automatic cancellation of the permit. For purposes of this subsection, the permit shall include the time required for construction, installation and/or removal of all materials and equipment provided for the conduct of the special event until the public property has been cleared and restored.

(Ord. No. 2010-038-O, § 16-295, 4-5-2010)

(c) For Special Events requesting a liquor license, compliance with Section 3-58 shall be required.

Sec. 16-296. - Cost recovery.

The recipient of a special events permit shall reimburse the city for the use of city equipment and actual salaries of city personnel involved in public safety, event traffic control, fire safety and other event support. Where such reimbursement is required, no special event permit shall issue unless the applicant enters into a special event paid duty contract with the city. Special events that owe any outstanding fees or charges to the City shall not be eligible to apply for an event permit.

(Ord. No. 2010-038-O, § 16-296, 4-5-2010)

Secs. 16-297—16-300. - Reserved.