

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 30 ("SPECIAL EVENTS"), ARTICLE 1 ("GENERAL REGULATIONS") SECTION 30-1-2 ("REQUIREMENTS") AND SECTION 30-1-2 ("POLICIES AND PROCEDURES") OF THE OAK PARK VILLAGE CODE

WHEREAS, the Village of Oak Park ("Village") as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970 has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit, the Village of Oak Park's powers shall be construed liberally as held by the Illinois Supreme Court in the case of *Scadron v. City of Des Plaines*, 153 Ill.2d 164 (1992); and

WHEREAS, the Village may further regulate the use of its streets and other Village property pursuant to Division 80 ("General Powers Over Streets and Public Ways") of the Illinois Municipal Code, 65 ILCS 5/11-80-1 *et seq.*; and

WHEREAS, pursuant to the Village's home rule authority and the Illinois Municipal Code, the Village Board has determined to that certain provisions of Chapter 30 ("Special Events") the Oak Park Village Code should be amended to authorize the Village to recoup its costs and expenses for permitted special events that occur on Village property.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

Section 1. Recitals Incorporated. The above recitals are incorporated herein by reference as though fully set forth.

Section 2. Village Code Amended. Chapter 30 ("Special Events"), Article 1 ("General Regulations"), Section 30-1-2 ("Requirements") and Section 30-1-3 ("Policies and Procedures") of the Oak Park Village Code are amended by deleting the overstricken language and adding the underlined language to read as follows:

30-1-2: REQUIREMENTS:

The following requirements shall be observed by special events applicants:

A. Permit Required: No person shall knowingly or publicly promote or advertise, sponsor, engage in, conduct or participate in, any special event unless a permit therefor has first been obtained consistent with this section, except that the sponsor of any annual special event which has taken place during at least the two (2) previous consecutive years, shall be permitted at their own risk, to

publicly promote or advertise the special event for the third and subsequent years prior to obtaining the special event permit for such third or subsequent years.

B. Recurring Special Events: For recurring special events that take place on a daily, weekly or monthly basis during a specified period of time, only one permit shall be required per calendar year. This shall not apply to private parties.

C. Application: The applicant shall submit the written application to the Special Events Committee via the Village Clerk within the time frames specified in this section. The Village may accept late applications, if time permits, with payment of a late fee. The Committee may require reasonable supplementation of the information in the application, if necessary, to determine those additional terms and conditions to impose, if any, and whether to grant or deny the application.

1. Time frames for submission of applications:

a. If alcohol will be made available at the special event or more than five hundred (500) people are anticipated to attend or participate in the event, the application must be submitted at least ninety (90) days in advance of the event date.

b. If no alcohol will be made available at the special event, the application must be submitted at least sixty (60) days in advance of the event date.

c. The foregoing time periods shall be counted so as to exclude the day the application is submitted and the day the special event will begin.

2. The application shall include, but not be limited to, the following information:

a. The name, address and telephone number of the applicant and the name, address and telephone number of the applicant's representatives who will manage or direct the special event or party and who will be present during the event;

b. The date or dates of the event or party and the hours during which the applicant proposes to conduct the event;

c. The proposed location of the event or party and, if it is a parade, the route to be followed;

d. A reproducible diagram showing the proposed layout of the event or party including proposed, and if provided, restrooms, first aid facilities, emergency vehicle access, tents or temporary structures, utility lines, lighting and area restriction devices (including barricades or screening);

- e. A narrative description of the event or party;
- f. The number of persons expected to attend;
- g. The number of vendors, merchants, exhibitors and units expected to participate and the facilities expected to accommodate them;
- h. Whether or not fireworks will be used and a copy of the application for the state fireworks permit and request for Village Board authorization;
- i. Whether tents or other temporary structures will be used;
- j. Whether or not electricity and water will be needed and the manner in which they are to be provided;
- k. A statement as to other types of licenses and permits, including liquor licenses, that have been or will be applied for;
- l. The number and type of sound amplification devices proposed to be used as part of the event activities or party;
- m. A general statement as to the number and type of musicians or musical presentations proposed to be a part of the event or party.

D. Application Review: Upon receipt of a completed application for the permit required by this section, the Special Events Committee shall immediately forward copies thereof to the proper Village departments or divisions to determine compliance with applicable Village ordinances, the effect of the event on Village resources and the anticipated effect of the event on public health or safety. Within fourteen (14) days after receipt by the Special Events Committee, the respective departments or divisions shall report to the Special Events Committee as to their findings. The respective departments or divisions shall also recommend specific stipulations including, but not limited to, one or more of the following:

1. Hiring a stated number of Village Police Department employees as determined by the Village Police Department or, if none are available, provide security service acceptable to the Chief of Police or his designee.
2. Erecting security fencing or approved security borders.
3. Providing sanitary facilities.
4. Providing refuse removal through Village service or outside contractor.

5. Agreeing to pay for any additional or unforeseen costs associated with the special event, including posting a cash deposit or performance bond if required by the Village.

6. Applying for and receiving all other necessary Village permits and approvals.

7. Taking all measures to provide for fire protection and the health, safety and welfare of the public, consistent with this code.

8. Hiring a stated number of Village Fire Department employees who are emergency medical personnel having required certification levels and a stated number of fire protection equipment as determined by the Village Fire Department.

9. Any other requirements necessary to ensure that the temporary special event or activity is conducted in a safe and appropriate manner.

Within twenty one (21) days after receipt of a completed application, the Special Events Committee shall issue a Committee decision regarding the application.

E. Application Fee: There will be a nonrefundable fee of ~~fifty~~ one hundred dollars (~~\$50.00~~ \$100.00) per application for all special events.

F. Late Fee: There will be an additional fee of ~~seventy five~~ one hundred fifty dollars (~~\$75.00~~ \$150.00) for any late application.

30-1-3: POLICIES AND PROCEDURES:

A. Priority Of Applications: In reviewing the applications for a given time and location, the Special Events Committee shall give priority to annual, semiannual or other regularly scheduled or recurring special events. Resident and Village entity applications shall have a priority over nonresident and non-Village entity applications. If competing applications cannot be resolved on this basis, the Committee shall grant permits to the earliest completed application received for the time and place requested.

B. Nondiscrimination: The Special Events Committee shall consider each event permit application upon its merits and shall not discriminate based upon race, creed, color, ethnicity, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender related identity, political party affiliation (or lack thereof), familial status, or marital status.

C. Committee Decision: After deliberations, and due consideration of recommendations from Village departments or divisions, the Special Events Committee shall:

1. Approve the special event permit application contingent upon the facts or the conditions set forth in subsection 30-1-3D of this section.

2. Approve the special event permit application with stipulations contingent upon the facts or the conditions set forth in subsection 30-1-3D of this section.

3. Deny the special event permit application upon finding that the event:

a. Will fail to comply with noise, health or safety regulations of the Village or otherwise violate applicable ordinances or state statutes;

b. Will unreasonably interfere with or restrict the delivery of Village or emergency services or business or residential activity within the proposed event area, on the proposed event area, on the proposed event route, or other areas of the Village;

c. Will unreasonably conflict in time or location with other permitted activities in the proposed event area or proposed event route; or

d. Will damage or destroy Village property.

4. Require a conference with the applicant to seek clarification and offer suggestions or alternatives with the Special Events Committee, ultimately making a decision following said conference in accordance with subsection 30-1-3C1, C2 or C3 of this section.

5. Deny the special event permit application if the applicant fails to attend the conference required by subsection 30-1-3C4 of this section or has repeatedly violated the ordinances of the Village with respect to special events within the past twelve (12) month period.

D. Permit Issuance: If the Special Events Committee approves the special event permit application pursuant to subsection 30-1-3C of this section, the permit document shall not be issued until all of the following conditions are met:

1. The applicant meets all applicable Village Code and federal and state statutory requirements and obtains all applicable village, state and federal permits.

2. The applicant directly responsible for the special event has provided satisfactory evidence of suitable personal injury and property damage insurance or such other insurance as deemed necessary by the Village.
3. The applicant has repaid the Village all amounts owed pursuant to the terms and conditions of any special event permits previously issued to the applicant.
4. The applicant meets any other applicable requirements detailed in the application plus any applicable stipulations contained in the Committee's decision, that are required to be met as preconditions before permit issuance.
5. The applicant has paid the Village the twenty five percent (25%) deposit required in subsection 30-1-312 of this section. Failure to pay to the Village the twenty five percent (25%) deposit required in subsection 30-1-312 of this section shall render the permit void.

E. Revocation:

1. In addition to the grounds for denial set forth above, the Special Events Committee may, after issuance, revoke a special event permit in writing for failure to comply with the provisions of this section, conditions placed on the face of the permit, applicable codes or ordinances of the Village, or state or federal statutes. Revocation is a final decision.
2. Notwithstanding any other provision in this code, if in the judgment of the Police Chief and/or Fire Chief, an emergency situation has been created such that the continued use of public property by a sponsor will immediately threaten life, health or property, the Police Chief and/or Fire Chief, or their designees, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing may immediately revoke the permit and require the use of public property to immediately cease. No person shall continue to use public property contrary to such order.

F. Appeal: The decision to deny or revoke a permit required by this section shall be appealable by the sponsor to the Village Manager or his/her designee. Such appeal shall be initiated by written notice to the Village Manager before the close of the next regular Village business day after the date of service of such denial or revocation, or such appeal shall be deemed waived. The sponsor shall be given an opportunity to be heard by the Village Manager or his/her designee upon any such denial or revocation within one business day after receipt of any such notice of appeal. The Village Manager or his/her designee may sustain or reverse the decision based upon the criteria set forth in subsection 30-1-3C, D or E of this section. Such decision of the Village Manager or his/her designee shall be made before the close of the next Village regular business day following the

conclusion of any such hearing. The sponsor shall receive written notice of the Village Manager's or his/her designee's decision, which decision shall be a final decision for the purposes of administrative review.

G. Conditions; Insurance; Permit Contents:

1. If a special event permit application required by this section is approved by the Special Events Committee, the permit shall be issued to the sponsor for activities and events as detailed in the application contingent upon submission of required insurance by the applicant; provided, however, that the Special Events Committee may also attach reasonable conditions to the permit in order to prevent the denial of a permit and to provide for the use of Village personnel or equipment reasonably necessitated by the conduct of the event for crowd or traffic control. The use and deployment of Village personnel and equipment shall be as directed by the Special Events Committee.

2. Prior to the issuance of the permit required by this section, the applicant will provide the Special Events Committee with evidence of public liability insurance insuring the sponsor and naming the Village as an additional insured with the following minimum coverages: bodily injury including death/occurrence/aggregate, one million dollars (\$1,000,000.00); property damage, one million dollars (\$1,000,000.00)/occurrence/aggregate and liquor liability insurance, if applicable, with limits of not less than one million dollars (\$1,000,000.00) combined single limit or one million dollars (\$1,000,000.00) per occurrence and per aggregate. Insurance required by this section shall be written by an admitted carrier licensed to do business in the state and having at least a "B+" First division of ratings and a "VI" second division of ratings as listed in "Best Insurance Guide", latest edition.

3. Upon approval of the application for a permit required by this section, the permit shall include the following:

- a. The approved application;
- b. The conditions for the use of required Village personnel or equipment;
- c. Route or location, time, and date of event;
- d. Reasonable conditions for the operation of the event; and
- e. The signature of the sponsor acknowledging all requirements and responsibilities, prior to the date of the event.

4. The Special Events Committee shall cause notice of permit issuance to be sent to the Village Manager, the Police Department, the Public Works Department, and the Fire Department.

H. Requirements Of Sponsor: In addition to applicable codes and ordinances, the sponsor of a special event shall comply with the following requirements:

1. Allow access to the area of the event without payment, except that donations may be requested or fees charged for goods or services at individual stands or booths and for tours of private property. In the event that a sponsor seeks to charge admission to a special event, only the Village Board, by resolution, may authorize a fee to be charged for admission to a special event.

2. Remove debris, trash or garbage resulting from the conduct of the event from public property and private property within the vicinity of the event within twenty four (24) hours after the end of the event; provided, however, that the sponsor shall remove and lawfully dispose of any injurious substance or material immediately after the deposit thereof. Such cleanup shall also include the removal of trash, litter, garbage and debris from Village trash receptacles and proper disposition of such trash, litter, garbage and debris.

3. Keep fire lanes and one lane of the street accessible to emergency vehicles.

4. Comply with any and all conditions placed upon the face of the permit.

5. Comply with all applicable laws and ordinances.

6. Obtain prior approval of the Special Events Committee before any changes are made in the operation or setup of the event as detailed in the approved permit.

7. Conduct the event in such a manner that the Village is able to continue to provide normal services to other portions of the Village and not interrupt the orderly and safe movement of vehicle and pedestrian traffic contiguous to the location of the event.

8. Move expeditiously and without unreasonable delays from point of origin to point of termination if the event is a parade.

9. Be present at the scene of the event either personally or through employees, agents or representatives who have been designated upon the permit during the entire course of the event. At least one sponsor, employee, agent or representative present at the event shall have in his or her possession a copy of the approved permit.

10. If requested by the Special Events Committee, after the event has taken place, attend a meeting relative to the conduct of the special event to work toward future improvements in the coordination of that event.

I. Payment Of Village Services:

1. The sponsor of a special event, who applies for and accepts a permit, thereby consents to the formation of a contract between the sponsor and the Village through which the Village agrees to provide services and equipment and the sponsor agrees to pay for same ~~in accordance with the schedule set forth hereinbelow.~~

2. The sponsor of a special event shall deposit with the Village at least seven (7) days prior to the date of the special event twenty five percent (25%) of the cost estimated by the Special Events Committee to be the direct and reasonable cost which will be incurred by the Village to provide services and equipment for the special event.

3. The sponsor shall pay to the Village, within fifteen (15) days after the conclusion of the permitted event, the direct and reasonable costs incurred by the Village to provide for cleanup of the public property if such service is not performed by the sponsor as required herein. Additionally, the amount of the payment required shall include compensation for loss or damage to Village property.

4. The Village will send the sponsor a bill for the actual amount of the additional police and public works services incurred (not related to cleanup and compensation for loss or damage to Village property) within twenty one (21) days of the conclusion of the event. Within fourteen (14) days after the date of the bill, the sponsor shall pay to the Village the direct and reasonable costs incurred by the Village to provide additional police and public works services for the special event, less the twenty five percent (25%) deposit paid by the sponsor.

5. Special events sponsored by governmental entities shall be exempt from the requirements of subsection 30-1-313 of this section.

6. ~~The schedule of fees for Village services and equipment shall be as follows:~~ Annually by January 15, the Village Manager shall issue a fee schedule for Village personnel, services and equipment required for a special event pursuant to this section. Such schedule shall be based upon the Village's then current adopted budget, applicable employee wages and benefits as determined by the then current applicable collective bargaining agreement and appointee pay plan schedule for Village employees. The annual schedule shall include, but not be limited to, the following:

a. Tent permit fee;

b. Temporary food service permit fee;

c. Any other applicable permit fee;

d. Liquor license fee;

e. Equipment, including, but not limited to, standard barricades, cones, parking signage, road closure barricades directional/road closure signage;

f. Labor, including, but not limited to, emergency management, fire, police, public health and other labor;

g. Waste pick-up and hauling, street sweeping, pre-event public safety walk through and other similar services; and

h. Vehicle usage, including police, fire, emergency management, public works, and public health vehicle usage due to the special event.

Service	Rate	Notes
Development Customer Services Department tent permit	\$64.00	Per event for 1 or more tents with a floor area of 200 square feet or greater. Permit fee for large tents with a floor area in excess of 400 square feet shall be in accordance with the then current building permit fee schedule.
Fire staff, services, equipment	Actual cost	Will primarily apply to athletic events. Always involves staff and equipment.
Environmental health	\$96.00	Commercial/per event.
Service fee (permit)	No charge	Noncommercial/governmental.
Public works labor straight time during normal workday when possible;	-	Hours limited to drop off and pick up of equipment and trash removal (special event volunteers or contract services may be substituted for all public works labor).

	Straight time	\$34.50	
	Time and a half	44.23	Overtime (when necessary).
	Double time	60.19	Sundays and holidays.
	Public works equipment and vehicles:		
	Standard barricades Cones Road closed barricades Directional signage	No charge	Public works labor will be charged at above hourly rates if public works is required to drop off and pick up equipment.
	Cardboard parking signage	At cost	Cost for each sign.
	Vehicle	\$11.00	Cost per day, pickup truck or other vehicle.
	Police/fire vehicle	25.00	Cost of each per day (when required to be assigned to event).
	Police Patrol Officer	30.00	Cost per hour; off duty, paid directly to officer (when required, will normally be for entire time of event).
		Hourly rate per collective bargaining agreement: time and a half overtime (when necessary)	Cost per hour; on duty, Village pays officer and sponsor pays Village.

J. Liability Of Sponsor: Every act or omission whatsoever of the provisions of this section by any officer, director, manager or other agent or employee of any sponsor, or any act or omission of such persons in relation to any other license or permit held by the sponsor in connection with an event held pursuant to this section, shall be deemed to be the knowing act of such sponsor. The sponsor

shall be punishable in the same manner as if the act or omission had been done or omitted by the sponsor.

K. Public Conduct:

1. No person shall unreasonably hamper, obstruct, impede, or interfere with any special event for which a permit is in effect or with any person, vehicle or animal participating or being used in such a special event.

2. No driver of a vehicle shall knowingly drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion, unless directed by a police officer.

3. The Chief of Police shall have the authority, when reasonably necessary, to restrict street access or to prohibit or restrict the parking of vehicles along a Village street or part thereof constituting a part of the route or location of a permitted special event. The Chief of Police shall cause posting of signs to that effect. No person shall drive, park or leave unattended any vehicle in violation of such sign.

L. Disturbing Assemblies Prohibited: No person shall disturb any lawful assemblage of people in the Village.

M. Mob Actions Prohibited: No person shall engage in mob action. Mob action consists of any of the following:

1. The use of force or violence disturbing the public peace by two (2) or more persons acting together and without authority of law;

2. The assembly of two (2) or more persons to do an unlawful act; or

3. The assembly of two (2) or more persons, without authority of law, for the purpose of doing violence to the person or property of anyone alleged to have violated law or for the purpose of exercising correctional powers or regulatory powers over any person by violence.

Section 3. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Section 4. Effective Date. This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

ADOPTED this ____ day of _____, 201_, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb				
Trustee Andrews				
Trustee Boutet				
Trustee Button				
Trustee Moroney				
Trustee Taglia				
Trustee Tucker				

APPROVED this ____ day of _____, 201_.

Anan Abu-Taleb, Village President

ATTEST

Vicki Scaman, Village Clerk

Published in pamphlet form this ____ day of _____, 201_.

Vicki Scaman, Village Clerk