

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 30 ("SPECIAL EVENTS"), ARTICLE 1 ("GENERAL REGULATIONS"), SECTION 30-1-1 ("DEFINITIONS") 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"), Article 1 ("General Regulations") of the Oak Park Village Code should be amended to provide an exemption for an organized, nonpermanent musical performance(s) which only take place on private property or properties as set forth herein.

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 30-1-1 ("Definitions") is amended by deleting the overstricken language and adding the underlined language to read as follows:

30-1-1: DEFINITIONS:

The following definitions shall apply:

APPLICANT: An individual, resident, or organization that both sponsors the special event and applies for the permit to hold the special event in the Village.

APPLICATION: A form or booklet prepared by the Village containing this article, a questionnaire gathering necessary details on the nature, size, location and requirements of the proposed

special event which must be returned to the Village ~~Clerk~~, as well as imparting information about requisite evidence of appropriate insurance.

EVENT SPONSOR: The holder of a special event permit issued by the Village.

GEOGRAPHIC AREA OF THE VILLAGE: Roughly the equivalent of one police post. The entire Village is evenly divided into eighteen (18) police posts of relatively equal size as set forth in the Police Post Map attached to the ordinance codified herein.

PERMIT: The special event "permit" shall be defined as an official Village document, signed and dated by the Village Clerk issued to and carried by the applicant, which will indicate to any person seeking verification that this applicant has achieved the necessary approvals and paid the necessary fees to stage a special event in the Village.

PUBLIC PROPERTY: Any street, alley, sidewalk, parkway or parking lot owned, controlled or managed by the Village.

RESIDENTIAL BLOCK EVENT OR RESIDENTIAL PARADE (Which Are Not Considered Special Events): Any event designed, promoted and/or conducted in order to encourage a gathering or assembly of residents of a block or a geographic area of the Village upon a local street or the sidewalks or parkways abutting a local street at a specified location within an area zoned R-1, R-2, R-3, R-4 or R-5 where the sponsors of such event reside in the block or geographic area of the Village where such gathering takes place. A "residential block event" may also include activity in a Village park or on school grounds abutting the local street.

SPECIAL EVENT: An organized, nonpermanent, public gathering or assembly on public property that is not Village sponsored or cosponsored and includes, except as set forth in subsection C of this definition, the following:

A. Gatherings or assemblies that are conducted entirely or partially on public property at a specified location for activities such as, but not limited to, markets, ceremonies, celebrations, shows, festivals, exhibitions, pageants, circuses, entertainment, theatrical productions, sidewalk sales, sporting events, games or similar activity.

1. A public gathering or assembly shall be considered to be partially conducted on public property only if some portion of the core activity of the gathering or assembly occurs on or is planned to occur on public property or a structure or structures are temporarily placed, or planned to be placed, on public property to be part of or to serve the gathering or assembly. Temporary signage identifying the gathering or assembly which does not damage public property or create a public nuisance or hazard shall be permitted on the day of the event and shall not be considered a structure for purposes of enforcing this subsection.

B. Parades, or processions of any kind, which move from place to place upon public property along a specified route and include marches, races, walks, walk-a-thons, runs, marathons, bicycle runs, bike-a-thons, demonstrations or similar activities that do not comply with the

normal or usual traffic regulations or controls or are likely to impede, obstruct, impair or interfere with the free flow of vehicular traffic and/or other normal activities.

C. Notwithstanding the foregoing, the following public gatherings or assemblies shall not be considered a special event for purposes of this section:

1. Residential block events or residential parades.

2. Organized, nonpermanent, public gatherings or assemblies which are regulated by other Village ordinances such as, but not limited to, the Oak Park farmers' market, the Village sponsored Fourth Of July fireworks display and the special use permit authorizing Oak Park and River Forest High School's Friday night football games.

3. Organized, nonpermanent, public gatherings or assemblies which only involve normal vehicular or pedestrian use of the public way to travel from one point to another without impeding other pedestrian or vehicular traffic or other normal activities.

4. Organized, nonpermanent public gatherings or assemblies which take place only on private property or properties and only use the public way for normal vehicular or pedestrian travel from one location to another without impeding other vehicular or pedestrian traffic or other normal activity. The use of volunteers to gather pedestrians at intersections to cross streets in groups when natural breaks in traffic occur or the use of vehicles to transport persons from one location to another, shall be considered as assisting and not impeding, the normal flow of traffic for the purposes of this section.

5. Organized, nonpermanent outdoor musical performance(s) which takes place only on private property or properties on a residential block that require the closure of vehicular traffic at each end of the block in north and south directions for one (1) day only with said musical performance(s) to conclude on or before 10:00 p.m. All Village requirements for the closure of the residential block for vehicular traffic shall be met by the organizer of the musical performance(s) and the organizer of the musical performance(s) provides the Village with the written consent of the residents on the block for the conduct of the musical performance(s) prior to the proposed date.

SPECIAL EVENTS COMMITTEE: A standing, internal committee appointed by the Village Manager and formed for the purpose of reviewing, approving or denying special events applications. The Village Clerk shall serve as Chairperson of the committee until April 1, 2019 or until the application and permit process is fully automated. The composition of the committee shall otherwise be at the discretion of the Village Manager, and may include Village staff representatives from the Police, Fire, Development Customer Services, Public Works, Public Health.

SPONSOR: The person who applies for the special event permit and the person to whom a special event permit is issued following successful application.

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.

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 13th day of January, 2020, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb				
Trustee Andrews				
Trustee Boutet				
Trustee Buchanan				
Trustee Moroney				
Trustee Taglia				
Trustee Walker-Peddakotla				

APPROVED this 13th day of January, 2020.

Anan Abu-Taleb, Village President

ATTEST

Vicki Scaman, Village Clerk

Published in pamphlet form this 13th day of January, 2020.

Vicki Scaman, Village Clerk