

1 **Section 1 - Amendments to Sec. 41.5-102**

2 The Code of Ordinances shall be and hereby is amended by changing
3 Sec. 41.5-102 as follows:

4

5 Sec 41.5-102 Definitions

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

9 ~~(a)~~ *Adjacent premises* means any land or parking area
10 immediately surrounding the special event that is occurring.

11 ~~(b)~~ ~~*Alcohol* under this chapter means events that serve or~~
12 ~~sell alcohol must obtain the appropriate permitting under~~
13 ~~chapter 6 as well as obtain police and/or security for their~~
14 ~~event.~~

15 ~~(c)~~ *Applicant* means an individual, resident, organization,
16 non-profit, governmental entity or any other entity
17 recognized by law that both sponsors the event and applies
18 for the permit to hold the special event in the city. ~~The~~
19 ~~applicant will update the application with the current~~
20 ~~contact person who will be in person at the event.~~

1 ~~(d)~~ *Assembly* means a gathering of one or more persons on a
2 sidewalk or city property, other than a right-of-way by the
3 city that does not interfere with the regular use of such
4 sidewalk or park property, including pedestrian or vehicular
5 traffic.

6 ~~(e)~~ *Basic city support services* means city services provided
7 through previously scheduled and available personnel and
8 resources or such additional personnel and resources as may
9 be required to protect an event and persons attending from
10 disruption or interference.

11 ~~(f)~~ *Business day* means those days in which the city offices
12 are open for conducting city business. ~~A "business day" and~~
13 does not include Saturday, Sunday or the holidays observed
14 by the city.

15 ~~(g)~~ *Carnival* means any aggregation of shows or riding
16 devices, games of skill or chance, or any combination of
17 shows and riding devices, or any combination of several
18 enterprises, such as revolving wheels, merry-go-rounds,
19 giant swings, panoramas, musical and theatrical
20 entertainments or riding devices, whether carried on or
21 engaged in or conducted in any field, park or in a building
22 or enclosure, and whether carried on, engaged in or

1 conducted as one (1) enterprise or by several
2 concessionaires, and whether one (1) admission fee is
3 charged for admission to all such shows or entertainments,
4 or separate fee for admission is charged for each amusement.
5 ~~The size of the carnival will determine what tier the event~~
6 ~~will fall under. Any carnival will need to have a security~~
7 ~~plan for adjacent premises to the carnival. Carnivals may~~
8 ~~only operate until 8 p.m. Sunday through Thursday and 9 p.m.~~
9 ~~on Friday and Saturdays with last tickets selling 30 minutes~~
10 ~~prior to closing.~~

11 ~~(h)~~ *Circus* means a performance ~~show~~ consisting of acrobats,
12 trained animals, clowns, or similar forms of entertainment
13 that is held in an arena, which may be open air or enclosed
14 in a tent or building.

15 ~~(i)~~ *City property* means any buildings, public street, alley,
16 sidewalk, right-of-way, city owned parks, parkway or parking
17 lot owned, controlled or managed by the city. City property
18 does not include real property owned by any other
19 governmental entity.

20 ~~(j)~~ *City services* means any services provided by or through
21 the use of city personnel including, but not limited to

1 members of the community affairs, fire, police, public works
2 or other department or agency required by a special event.

3 ~~(k)~~ *Coordinator* means the head of the division of special
4 events.

5 Crowd control means the mitigation of and protection
6 against generalized safety risks which the city determines
7 to be necessary given the nature, size, and geographic scope
8 of a special event. Crowd control does not include the
9 mitigation and protection against a particularized safety
10 risk associated with a particular special event.

11 DJ means a person who provides live musical
12 entertainment by arranging, sampling, or mixing recorded
13 music from any source, while narrating or offering
14 commentary thereon as part of a performance to an audience.

15 ~~(l)~~ *Emergency action plan* means a plan prepared and
16 submitted as part of ~~that is submitted during~~ the
17 application process that identifies emergency exits, crowd
18 managers, emergency notification methods, and how organizers
19 will deal with emergencies, including cancellation due to
20 inclement weather situations ~~These plans must also include~~
21 ~~consideration for cancellation of an event due to weather~~
22 ~~conditions that create a hazard.~~

1 ~~(m)~~ *Film production* means the use of a film production using
2 public or private property ~~within the city,~~ whether indoor
3 or outdoor, for the purpose of producing, filming or
4 recording ~~videotaping~~ of commercials, movies, television
5 programs, or training videos ~~tapes~~ or films and other moving
6 picture media ~~for commercial, not-for-profit, educational~~
7 ~~or artistic activities shall require a permit. A film~~
8 ~~production falls under a tier 5 permit.~~

9 ~~(n)~~ *Governmental event* means a special event which is
10 conducted or sponsored by a unit of federal, state, or local
11 government or a school district or agency on publicly owned
12 land or property. A governmental event includes an event
13 organized by a not-for-profit corporation acting as an agent
14 for a special service area established by the city council.

15 ~~(o)~~ *Impact* means to impede, obstruct, impair, or interfere
16 with normal vehicular or pedestrian traffic or city services.

17 ~~(p)~~ *Interested person* means the property owner, property
18 management, or tenant of each property that fronts a portion
19 of the proposed right-of-way closure area.

20 ~~(q)~~ *Legacy event* means a special event that has been held in
21 the city on or about a certain date, on a substantially
22 similar route, and in connection with a specific holiday or

1 consistent theme, in substantially the same form for a
2 minimum of three (3) consecutive years.

3 ~~(r)~~ *Letter of intent* means written notice delivered to the
4 coordinator by a the sponsor of a legacy event stating the
5 intention of the sponsor to submit an application for a
6 permit to host a substantially similar special event during
7 the following calendar year at or about the same date, time,
8 and location ~~letter that an event organizer would submit to~~
9 ~~the coordinator after receiving a satisfactory evaluation~~
10 ~~following their event, to reserve the same time and spot for~~
11 ~~the following year.~~

12 ~~(s)~~ *Musical event* means any performance or an aggregation or
13 combination of performances of ~~show or act, or aggregation~~
14 ~~of shows or acts, or any combination of shows or acts, or~~
15 ~~any combination of several enterprises, which provides live~~
16 musical entertainment, whether carried on or engaged in or
17 conducted in any field, park or in any other way outdoors,
18 and whether carried on, engaged in or conducted as one (1)
19 enterprise or by several concessionaires, and whether one
20 (1) or no admission fee is charged for admission to all such
21 shows or entertainments, or a separate fee for admission is
22 charged for each entertainment.

1 ~~(t)~~ *Parade* means an activity consisting of persons, animals,
2 vehicles or things, or any combination thereof, moving with
3 a common purpose upon any public street, ~~sidewalk,~~ alley or
4 other public place, which requires the temporary closing of
5 any street or the interruption or redirection of regular
6 vehicular and pedestrian traffic and ~~pedestrian a street~~
7 ~~closing or otherwise requires authorized city employees to~~
8 ~~stop or reroute vehicular traffic because the parade will~~
9 ~~not or cannot comply with normal and usual traffic~~
10 ~~regulation or controls.~~

11 ~~(u)~~ *Parade unit* or *unit* means any one (1) vehicle, one (1)
12 float or one (1) marching group.

13 ~~(v)~~ *Permit* means a document issued by the coordinator
14 authorizing the permittee to conduct a special event in
15 accordance with the terms and conditions set forth on the
16 permit or as subsequently modified by the coordinator.

17 ~~(w)~~ *Permittee* means the holder of a permit or a provisional
18 permit for a special event issued under this chapter
19 responsible for conducting, managing and organizing said
20 event. A permittee includes any of the officers, employees,
21 or agents of the holder.

1 ~~(x)~~ *Preliminary recommendation* means the initial review of
2 a special event application.

3 ~~(y)~~ *Private home party* means a gathering held upon private
4 residential property which may feature live musical
5 entertainment limited to not more than one (1) band, DJ or
6 other performer arranged for by the property's owner or
7 person residing at such property pursuant to a lease which
8 complies with Sec. 12-403 of this code. *Procession* means a
9 movement of persons in an orderly, formal manner, other than
10 a parade, from a point of origin to a point of termination
11 on a sidewalk, that does not impede the normal flow or
12 regulation of pedestrian or vehicular traffic.

13 ~~(z)~~ *Provisional permit* means a document issued by the
14 coordinator to an applicant when that applicant has
15 successfully completed the application process, but that
16 applicant is unable to immediately demonstrate its ability
17 to fulfill all of its obligations under this chapter.

18 ~~(aa)~~ ~~*Public notification*~~ means a notification that is
19 ~~approved by the coordinator or his or her designee. Events~~
20 ~~that require road closures, or may cause disruption for city~~
21 ~~residents, businesses, churches, etc., must deliver~~
22 ~~notification to the affected parties.~~

1 ~~(bb)~~ Race means a competition between two or more persons
2 ~~individuals to determine which one see which is the fastest~~
3 ~~in covering a set course, but does not include competitions~~
4 ~~involving motorized vehicles. For the purposes of this~~
5 ~~ordinance, it excludes vehicle races.~~

6 ~~(cc)~~ Residential block party/~~event~~ means a social gathering
7 ~~organized by and for the benefit of neighbors who have~~
8 ~~obtained from the Office of the Aldermen a street closure~~
9 ~~permit to close the portion of the public right-of-way~~
10 ~~adjacent or nearly adjacent to their residences for a~~
11 ~~duration not exceeding one (1) calendar day and which may~~
12 ~~be comprised of one or more private home parties consists~~
13 ~~of a group of neighbors wishing to block off their street~~
14 ~~for a "get-together party". Permits are not issued for~~
15 ~~personal, family or political events, i.e. birthday parties,~~
16 ~~weddings, fund raisers or political gatherings, etc.~~

17 ~~(dd)~~ Site restoration includes all cleaning and trash removal
18 ~~all work and activity required to restore the site of a~~
19 ~~special event to its condition immediately prior to the~~
20 ~~special event means the act or process of returning the site~~
21 ~~back to its original condition by either cleaning it,~~
22 ~~repairing any damage or replacing surfaces or items.~~

1 ~~(ee)~~ *Special event* means (1) an organized, nonpermanent,
2 public or private gathering that utilizes public spaces,
3 such as public roads, greenways, city services and public
4 parks or plazas (2) a carnival or circus within the city,
5 and (3) any similar activity occurring on private property
6 in a district primarily zoned for residential uses other
7 than a private home party or residential block party.
8 ~~Special events are categorized by a tier system which is~~
9 ~~described on the special events application.~~ A special event
10 does not include a funeral procession.

11 ~~(ff)~~ ~~*Special events review* means the process undertaken by~~
12 ~~the coordinator to submit a permit application for review~~
13 ~~by the appropriate departments for their recommendations~~
14 ~~thereupon.~~

15 ~~(gg)~~ ~~*Sponsor* means any person who applies for the special~~
16 ~~event permit and the person to whom a special event permit~~
17 ~~is issued following successful application. The sponsor is~~
18 ~~the contact person that will need to be in communication~~
19 ~~with various city staff throughout the event as well as~~
20 ~~after the event.~~

21 ~~(hh)~~ ~~*Spontaneous event* means a special event for which an~~
22 ~~application cannot be completed in accordance with this~~

1 ordinance because the event is in reaction to or occasioned
2 by recent news or current matters of public concern, ~~that~~
3 ~~is conducted solely as a procession or assembly as those~~
4 ~~terms are defined by this chapter.~~

5 **Section 2 - Amendments to Sec. 41.5-103**

6 The Code of Ordinances shall be and hereby is amended by changing
7 Sec. 41.5-103 as follows:

8

9 Sec 41.5-103 Conflicts With This Chapter

10 The provisions of this chapter shall supersede any
11 conflicting provision of this code with respect to the subject
12 matter herein contained ~~To the extent a conflict exists, this~~
13 ~~chapter controls.~~

14 **Section 3 - Amendments to Sec. 41.5-110**

15 Section 41.5-110 of the Code of Ordinances shall be and hereby is
16 amended as follows:

17

18 Sec 41.5-110 Permit Required; Exceptions

19 (a) Except as provided in this section, no person shall
20 conduct, manage, or otherwise operate a special event

1 without the coordinator having first issued a permit for
2 such event in accordance with this chapter ~~permit issued~~
3 ~~under this chapter is required to conduct, manage, or~~
4 ~~operate a special event.~~

5 (b) A ~~special event permit under this chapter~~ is not required
6 for the following categories of special events:

7 (1) Governmental events;

8 (2) Spontaneous events;

9 (3) Residential block parties for which the city has
10 authorized the temporary closings of streets;

11 (4) Private home parties;

12 (5) Film productions consisting of the coverage of news
13 events by the media or any governmental entity; those
14 which are intended for the personal and non-commercial
15 purposes of the producer; or those which are produced
16 by persons on their own private property for their
17 own business, educational, family, or training
18 purposes;

19 (6) Use of city park pavilions or playing fields
20 pursuant to a permit issued by the division of parks;

21 (7) Other gatherings of fifty (50) or fewer persons
22 upon public property which do not interfere with or

1 impede the flow of pedestrian or vehicular traffic,
2 include the service of alcohol, or materially
3 interfere with the regular or specially-permitted use
4 of said property. ~~Activities for which sec. 41.5-111~~
5 ~~provides are exempt from the permitting under this~~
6 chapter.

7 (c) In the case of spontaneous events, the organizer, if any,
8 of a spontaneous event shall promptly notify the city of
9 ~~contact the police department and if available, the~~
10 ~~coordinator, and provide~~ the date, time, place and an
11 estimate of the approximate number of persons who will
12 be participating, as well as the contact information for
13 any person who will be directing the event on-site. The
14 city shall cause a form acceptable to the coordinator to
15 be made available on the city's official website as well
16 as at the police department ~~will have a form~~ to assist
17 an ~~organizer~~ ~~sponsor~~ in providing the necessary
18 information.

19 (d) Nothing in this section shall be construed as creating
20 an exemption from a person's obligation to fully comply
21 with any other provisions of this code when engaging in
22 activity not requiring a permit under this chapter.

1 **Section 4 - Amendments to Sec. 41.5-112**

2 The Code of Ordinances shall be and hereby is amended by changing
3 Sec. 41.5-112 as follows:

4

5 Sec. 41.5-112 Special Event Permit.

6 (a) Except as provided in section 41.5-110 of this
7 code~~(Permit required; Exceptions)~~, a person shall obtain a
8 special event permit issued by the coordinator before the
9 person may conduct, manage, or operate a special event.
10 Applying for a permit for an event does not guarantee that
11 the event will be approved.

12 (b) Special events permit applications are on a first-come,
13 first-serve basis and locations will be held only after the
14 coordinator has received a complete and executed application.
15 Governmental events have priority in use of any city property
16 or right-of-way.

17 (c) The coordinator shall afford first priority to legacy
18 events to reserve the approximate same annual date, provided
19 they ~~receive an acceptable post-event evaluation from special~~
20 ~~events~~ and submit a letter of intent.

21 (1) Special event permits are non-transferable.

1 (2) As a condition of the special event permit, the
2 permittee must display the permit as prescribed by the
3 coordinator and display the permit on request from any
4 city employee with enforcement or inspection duties
5 related to the special event. An electronic version of
6 the permit is permissible.

7 (d) As a condition of the special events permit, the
8 permittee must:

9 (1) Provide access to a special event venue to any city
10 employee with inspection and enforcement duties related
11 to the special event;

12 (2) Be present at all times during the operating hours
13 of the special event;

14 (3) Provide the coordinator with contact information
15 for an individual who is responsible for set-up and take-
16 down of the special event;

17 (4) Ensure compliance with all applicable ordinances,
18 statutes, rules, laws, and the special event permit;

19 (5) Accept all notices of violations, citations, and
20 closure orders;

21 (6) Provide an emergency operations plan as outlined in
22 section 41.5-160 of this code; and

1 (7) Attend any required meetings with city personnel.

2 (8) A special event permit is only effective after the
3 event set-up has passed all required inspections.

4 (e) If in the past two (2) years the applicant has breached
5 a material a term of a special event permit, the coordinator
6 may impose reasonable additional requirements to mitigate the
7 risk of a similar breach.

8 (f) Tier 6 site time, date, and location determinations:

9 (1) The coordinator shall annually prepare a list of
10 sites that he or she determines are generally
11 appropriate for tier 6 events, the dates and times that
12 each site is typically available and not otherwise in
13 use for public purposes, and the capacity of each site.

14 (2) The coordinator shall issue a permit for a tier 6
15 event at the date, time, and location requested by the
16 applicant unless the coordinator has previously issued
17 a special event permit that conflicts with the pending
18 application or the site is not otherwise available on
19 the date or time requested or the police department
20 determines that it is unable to provide a sufficient
21 number of officers to protect the event and its attendees
22 from disruption or interference due to circumstances

1 specific to the particular time, date or site requested.
2 The coordinator or the police department, as the case
3 may be, shall provide the applicant with a factual basis
4 for their determination in writing.

5 (3) Whenever a permit cannot be issued in accordance
6 with paragraph (2) above, the coordinator or the police
7 department, as the case may be, shall make reasonable
8 efforts to assist the applicant in scheduling its
9 proposed event at an alternate time, date, or location
10 as consistent with ~~with~~ its initial application as
11 practicable.

12 **Section 5 - Amendments to Sec. 41.5-113**

13 Sec. 41.5-113 of the Code of Ordinances shall be and hereby is
14 amended as follows:

15

16 Sec. 41.5-111 Categories of Special Events.

17 Special events required to be permitted under this chapter shall
18 be classified by tier ~~A special event application will be~~
19 ~~designated into tiers~~ in accordance with this section.

20 (a) A tier 1 event is a special event that does not qualify
21 as a tier 2 event and:

- 1 (1) Contemplates ~~Is a special event that includes~~ the
2 use of more than two (2) consecutive blocks of City
3 streets, sidewalks, or rights-of-ways; or
- 4 (2) Is a carnival or a circus; or ~~Is a multi-day event;~~
5 or
- 6 (3) To which the coordinator estimates will attract
7 one-thousand (1,000) or more attendees per day; or
8 ~~and Is a special event that estimates more than one~~
9 ~~thousand (1,000) attendees per day; or~~
- 10 (4) Reserved. ~~Has an estimated need, based on its~~
11 ~~permit application, for additional city services,~~
12 ~~staff time, security or police services and equipment;~~
13 or
- 14 (5) Includes the use of pyrotechnics, live animals,
15 motorized vehicles other than transportation purposes,
16 or flying objects, including but not limited to,
17 drones. ~~Is a special event that will use fireworks;~~
- 18 (6) ~~Carnival and circuses: No carnival or circus shall~~
19 ~~remain in operation in any one (1) location for a~~
20 ~~period exceeding five (5) days. No carnival,~~
21 ~~regardless of operator, shall be located on any one~~
22 ~~(1) particular site more than two (2) times during~~

1 ~~any calendar year. No circus, regardless of operator,~~
2 ~~shall be located on any one particular site more than~~
3 ~~two (2) times during any calendar year. An applicant~~
4 ~~for a circus which does not include animals may apply~~
5 ~~for and receive up to four permits for such events in~~
6 ~~any calendar year. The coordinator will evaluate~~
7 ~~whether there were previous issues or if there are~~
8 ~~sufficient city services available to allow for these~~
9 ~~additional special events.~~

10 (7) ~~Examples — Musical events, private parades,~~
11 ~~earnival, circus, large runs.~~

12 (b) A tier 2 event is a special event that does not qualify
13 as a tier 3 event and:

14 (1) Is a stationary gathering upon a single ~~at a city~~
15 property or which will require the closure of up to
16 two (2) blocks of a street, sidewalk, or other city
17 right-of-way~~that estimates attendance at less than~~
18 ~~one thousand (1,000) attendees per day; or~~

19 (2) Is a gathering lasting fewer than four (4) days, ~~or~~
20 ~~less,~~ that is held primarily on private property; or ~~r~~
21 ~~and that estimates attendance at less than one~~
22 ~~thousand (1,000) attendees per day; or~~

1 (3) To which the coordinator estimates will attract
2 fewer than one-thousand (1,000), but more than two-
3 hundred (250) attendees per day; or ~~Is stationary and~~
4 ~~impacts up to two (2) blocks of a street, sidewalk,~~
5 ~~or city right-of-way; or~~

6 ~~(4) Examples - smaller musical events, smaller parades,~~
7 larger run/walks.

8 (c) A tier 3 event is a special event which does not qualify
9 as a tier 4 event and:

10 (1) which the coordinator estimates will attract fewer
11 than one-thousand (1,000), but more than two-hundred
12 fifty (250) attendees per day, and ~~that does not~~
13 ~~include the consumption of alcohol, and:~~

14 (2) The applicant or a person acting on the applicant's
15 behalf does not expect to offer liquor for sale and:

16 a. Is stationary, impacts only one (1) block of a
17 sidewalk or a city right-of-way that is not a
18 street; or ~~and~~ only needs a permit issued for
19 temporary street closure; or-

20 b. Is a gathering at a city property, lasting fewer
21 lasts less than five (5) hours, and does not

1 include food or beverages or a request to
2 increase the permanent occupancy limit.

3 ~~(3) Examples – races with over two hundred fifty (250)~~
4 ~~attendees, including fun fairs, expos, and events held~~
5 ~~on city property.~~

6 (d) A tier 4 event is a special event which the coordinator
7 estimates will attract fewer than two-hundred fifty (250)
8 but more than fifty (50) attendees, for which the
9 permittee nor any person acting on the permittee's
10 behalf will be authorized to sell alcohol for
11 consumption at the site of the special event that
12 requires limited city services; and: as defined in
13 section 41.5-102.

14 ~~(1) Is an event that is smaller in scale to a tier 3~~
15 ~~event, is stationary, and impacts only one (1) block~~
16 ~~of a sidewalk or a city right-of-way that is not a~~
17 ~~street; and~~

18 ~~(2) Does not interfere with pedestrian or vehicular~~
19 ~~traffic.~~

20 ~~(3) ; or only needs a permit for a temporary street~~
21 ~~closure.~~

1 ~~(4) Examples — runs with less than two hundred fifty~~
2 ~~(250) attendees, vehicle exhibits or demonstrations.~~

3 ~~(5) Exemptions to tier 4 permitting process:~~

4 ~~a. Private home parties shall be exempted from~~
5 ~~applying for a permit. A private home party is a~~
6 ~~social event or gathering held solely at a~~
7 ~~private, single-family residence, featuring live~~
8 ~~musical entertainment arranged for by the~~
9 ~~resident owner and consisting of only one (1)~~
10 ~~band or performer, and at which no guest in~~
11 ~~attendance shall pay any admission fee or other~~
12 ~~required concession cost. Any noise restrictions~~
13 ~~outlined in this code shall apply to these types~~
14 ~~of events.~~

15 ~~b. Residential block parties, as defined in section~~
16 ~~41.5-102 must make an application and receive~~
17 ~~approval through the alderman's office.~~

18 (e) A tier 5 event is a special event consisting of a for
19 any film production, not otherwise exempt from
20 permitting under sec. 41.5-111 ~~as defined in section~~
21 ~~41.5-102.~~

1 ~~(1) Any film production that will occur in the city for~~
2 ~~commercial, not-for-profit, educational or artistic~~
3 ~~activities shall require a permit.~~

4 ~~(2) The following special events are exempt from the~~
5 ~~permitting requirements of this chapter: Film~~
6 ~~production for the filming of news events by the media~~
7 ~~or by the city and other governmental entities serving~~
8 ~~the community, shall not require a special event~~
9 ~~permit. Additionally, a film production event does~~
10 ~~not apply to individuals filming on public or private~~
11 ~~property for personal, non-commercial purposes.~~
12 ~~Additionally excluded are schools, businesses, places~~
13 ~~of worship, and residents using their own premises~~
14 ~~for producing films for their own educational, family,~~
15 ~~or training purposes.~~

16 (f) A tier 6 event is an assembly or procession, as those
17 terms are defined by this chapter, consisting of more
18 than fifty (50) persons, that requires only basic city
19 support services and does not contemplate the need for
20 crowd ~~traffie~~ control or is not anticipated to interfere
21 with the normal use of public property upon which it
22 occurs. The sale of goods or services is ~~are~~ not

1 permitted at tier 6 events. ~~As used in this paragraph,~~
2 ~~"basic city support services" means city services~~
3 ~~provided through previously scheduled and available~~
4 ~~personnel and resources or such additional personnel and~~
5 ~~resources as may be required to protect the event and~~
6 ~~persons attending from disruption or interference.~~

7 **Section 6 - Amendments to Sec. 41.5-114**

8 The Code of Ordinances shall be and hereby is amended by changing
9 Sec. 41.5-114 as follows:

10
11 Sec 41.5-114 ~~Limitations On The~~ Provision Of City Services;
12 Costs And Fees

13 (a) Upon the issuance ~~Issuance~~ of a special events permit
14 the city will provide, and the permittee will be
15 responsible for the cost of, city services as provided
16 for in paragraph (b) of this section. Upon the approval
17 of the head of the department providing city services,
18 the permittee may, at its own expense, contract with the
19 qualified third parties to provide additional services.
20 The department head shall not unreasonably withhold
21 approval of such a request ~~or the approval of a special~~

1 ~~event permit application does not obligate or require~~
2 ~~the city to provide services, equipment, or personnel in~~
3 ~~support of an event, however, subject to the~~
4 ~~availability of the same, the permittee, at its own cost,~~
5 ~~may contract with the city to provide such services,~~
6 ~~subject to availability, in accordance with this Section.~~
7 ~~Except when required in the case of a tier 6 event for~~
8 ~~the purpose of protecting an event and its attendees~~
9 ~~from interference or disruption, the city does not~~
10 ~~guarantee the participation of its personnel to provide~~
11 ~~services in support of the event if the size or scope of~~
12 ~~the event requires the provision of city volunteers.~~

13 (b) Except as provided in subsection (c) of this section, if
14 the city or its employees or contractors ~~personnel~~
15 provide services, equipment, or personnel in support of
16 a special event, the city will charge the event organizer
17 the actual cost of:

18 (1) The wages or salaries of city employees rendering
19 city services, including traffic control, crowd
20 control, fire safety, and medical safety functions
21 directly attributable to the special event. Wages and
22 salaries shall be as established by the applicable

1 collective bargaining agreement or pay plan adopted
2 by the city council. The coordinator shall provide an
3 applicant with a current copy of the applicable
4 collective bargaining agreement or salary rate
5 schedules or a link to their online location; for
6 ~~city personnel involved in traffic control, event~~
7 ~~security, police services, fire safety, medical~~
8 ~~safety, and any other facility or event support as~~
9 ~~established by the applicable collective bargaining~~
10 ~~agreement or pay plan adopted by the city council.~~
11 ~~The coordinator will provide an applicant with a~~
12 ~~current copy of applicable salary rate schedules. With~~
13 ~~respect to a tier 6 event for which traffic control~~
14 ~~is not required, a permittee shall be responsible only~~
15 ~~for the actual costs incurred by the city for clean-~~
16 ~~up or trash collection related to the special event.~~
17 ~~The city shall bear the costs of the personnel and~~
18 ~~equipment it determines is necessary to prevent the~~
19 ~~disruption of or interference with a tier 6 event.;~~

- 20 (2) The use of city equipment, city-contracted services,
21 and other non-personnel expenses;

- 1 (3) Any ~~damage caused by or~~ site restoration costs
2 directly related to the special event, ~~not otherwise~~
3 ~~provided by the event organizer that is required to~~
4 ~~restore the area to the same condition that existed~~
5 ~~prior to the special event;~~
- 6 (4) Any ~~costs associated with the~~ The provision of
7 additional city services authorized by this paragraph
8 (b) beyond those contemplated by the original permit
9 or provisional permit which are occasioned by a
10 permittee's alteration of the permitted event in a
11 manner unrelated to content that requires material
12 changes to the city's attendant logistical
13 responsibilities including, but not limited to,
14 traffic, parking, or crowd control. In such a case,
15 ~~Whenever it appears to the coordinator that city~~
16 ~~services will be required beyond those contemplated~~
17 ~~by the original permit or provisional permit the~~
18 coordinator shall promptly notify the permittee to
19 discuss the need for the additional services and
20 afford the permittee an opportunity to respond or
21 propose alternatives for the city's proposed
22 provision of additional services;

1 (5) Reserved. ~~Any loss or damage to city property;~~ and

2 (6) Any other service provided by or through the city
3 for which the permittee has agreed to be responsible
4 ~~agreed upon service.~~

5 (c) ~~If~~ Subject to advance city council approval, ~~if the event~~
6 ~~is a governmental event or a special event which the~~
7 ~~city actively participates as a co-sponsor or is~~
8 otherwise substantially involved in the organization and
9 planning of a special event, beyond its administration
10 of this chapter, it may provide city services, equipment
11 ~~or personnel may be provided to support a special event~~
12 without or at a reduced charge.

13 ~~(1) The city may also assess any other fees as set by~~
14 ~~separate ordinances or resolutions to recover costs~~
15 ~~associated with special events.~~

16 ~~(2) If a permittee requests an estimate of the charges~~
17 ~~or fees described in subsection (b), coordinator will~~
18 ~~provide an estimate at least twenty (20) days before~~
19 ~~the start of the special event.~~

20 ~~(3) A permittee shall pay to the city:~~

21 a. ~~At least ten (10) days prior to the date of the~~
22 ~~special event, twenty-five (25) percent of the~~

1 ~~costs estimated by the coordinator or up to one~~
2 ~~thousand dollars (\$1,000.00), whichever is less,~~
3 ~~to be the direct and reasonable costs which will~~
4 ~~be incurred by the city to provide services and~~
5 ~~equipment for the special event.~~

6 ~~b. Within thirty to forty five (30 - 45) days from~~
7 ~~the date of the conclusion of the permitted event,~~
8 ~~the direct and reasonable costs incurred shall~~
9 ~~be billed to the permittee in an itemized bill.~~
10 ~~This amount shall include compensation for any~~
11 ~~loss/damage or site restoration to city property.~~
12 ~~Failure to remit payment in full in accordance~~
13 ~~with this ordinance and Code may impact the~~
14 ~~ability to hold future events.~~

15 ~~(4) Whenever the scope of a permitted special event~~
16 ~~requires or contemplates the recruitment of~~
17 ~~volunteers, including, but not limited to, city~~
18 ~~employees not otherwise assigned to the event by the~~
19 ~~city, the applicant shall bear all responsibility for~~
20 ~~the recruitment and retention of such volunteers, and~~
21 ~~in the case of city employee volunteers, shall be~~

1 ~~responsible for the full hourly cost for their~~
2 ~~services.~~

3 ~~(5) Whenever it appears to a permittee that it will be~~
4 ~~unable to recruit sufficient volunteers in connection~~
5 ~~with a special event, it shall promptly notify the~~
6 ~~coordinator. Willful failure by the permittee to~~
7 ~~promptly notify the coordinator of a reasonably~~
8 ~~anticipated volunteer shortage shall constitute cause~~
9 ~~to restrict or deny a subsequent special event~~
10 ~~application.~~

11 ~~(6) Whenever it appears to a city employee that a~~
12 ~~sufficient number of employees have not volunteered~~
13 ~~in connection with a special event, the city employee~~
14 ~~shall promptly notify the coordinator and the~~
15 ~~permittee of the anticipated shortage.~~

16 ~~(7) Upon notice of an anticipated volunteer shortage,~~
17 ~~the coordinator shall make reasonable efforts to~~
18 ~~encourage a sufficient number of city employees to~~
19 ~~volunteer for the event and present to the applicant~~
20 ~~such options as may be available to increase~~
21 ~~participation or to narrow the scope of the event, as~~
22 ~~the case may be. Prior to the offering of any~~

1 ~~financial incentive beyond which the applicant has~~
2 ~~already agreed to, the coordinator shall provide the~~
3 ~~applicant with an estimation of the cost involved and~~
4 ~~the applicant shall agree in writing to assume full~~
5 ~~responsibility for such costs. If the applicant~~
6 ~~declines to incur additional expenses, the~~
7 ~~coordinator may reduce the scope of the permit to~~
8 ~~conform to the anticipated availability of volunteers.~~
9 ~~In reducing the scope of the permit, the coordinator~~
10 ~~may require that the permittee shorten the duration~~
11 ~~of the special event; conduct the special event in a~~
12 ~~different location, along a different route, or in a~~
13 ~~different manner than originally contemplated; or~~
14 ~~make other such adjustments, based on the anticipated~~
15 ~~availability of volunteers.~~

- 16 (d) The city may also assess any other generally applicable
17 fees as set by separate ordinances or resolutions to
18 recover costs associated with special events, provided
19 that such fees shall not apply to any permits granted or
20 applications pending at or before the date of enactment.
- 21 (e) For all events classified as tier 1 or tier 2, the
22 coordinator shall provide an estimate of the charges for

1 which the permittee will be responsible as described in
2 paragraph (b) at least fifteen (15) days prior to the
3 commencement of a special event. For all other events,
4 the coordinator shall provide an estimate upon the
5 request of the permittee. All estimates under this
6 section shall be itemized, to the greatest extent
7 possible, based on the categories set forth in paragraph
8 (b).

9 (f) A permittee shall pay to the city a deposit of twenty-
10 five (25%) percent of the total estimated cost of the
11 special event to be incurred by the city and payable by
12 the permittee as authorized by paragraph (b), unless the
13 coordinator requires a larger deposit pursuant to
14 paragraph (c). The deposit shall be due five days (5)
15 following the presentation of an itemized estimation of
16 costs by the coordinator or at least ten (10) days prior
17 to the date of the special event if no estimation is
18 itemization is requested.

19 (g) Within thirty (30) days after the conclusion of the
20 permitted event, the coordinator shall cause a bill
21 itemizing the direct and reasonable costs as set forth

1 in paragraph (b) of this section incurred by the city
2 for the special event to be transmitted to the permittee.
3 (h) The coordinator may regard a permittee's willful failure
4 to pay any undisputed portion of a bill issued under
5 this section within thirty (30) days of issuance or sixty
6 (60) days from the conclusion of the special event,
7 whichever is later, as cause to require that such
8 permittee pay a greater portion of the anticipated costs
9 of a subsequent event prior to the issuance of a permit.
10 The coordinator may extend a permittee's time to pay for
11 good cause shown.

12 **Section 7 - Amendments to Sec. 41.5-115**

13 Sec. 41.5-115 Insurance Required

14 An applicant for a special event permit shall secure an
15 insurance policy for the event that names ~~includes~~ the City
16 of Aurora as a primary, non-contributory, additional insured
17 party ~~an additional insured (as primary, non-contributory~~
18 ~~additional insured.~~ The law department shall determine,
19 annually, and based on the tier, the appropriate insurance
20 amounts required for special events held in the city. The
21 event organizer(s) shall purchase and maintain this insurance,

1 providing coverage for the event with an insurance company
2 authorized to do business in the State of Illinois. Excluded
3 from the insurance requirements of this section are events
4 that take place solely on private property. In addition to
5 the coverages required of all special events of a particular
6 tier, the city may require a permittee to obtain additional
7 insurance coverage if the law department determines that a
8 component of an individual special event creates a particular
9 danger or threat to the public, including, but not limited
10 to, the permittee's sale of alcohol, use of pyrotechnics,
11 live animals, motorized vehicles other than for parade units
12 or transportation purposes, or flying objects such as drones.
13 ~~The city may require additional insurance coverage due to the~~
14 ~~specific scope or nature of a proposed special event that~~
15 ~~distinguish it from other special events categorized in the~~
16 ~~same tier. As part of the permit process, the coordinator~~
17 ~~will advise event organizers if additional insurance is~~
18 ~~required, and the basis upon which the determination was made~~
19 ~~prior to the issuance of the permit. Notwithstanding the~~
20 ~~foregoing, no~~ No permittee shall be required to obtain
21 coverage to insure against any injury caused or threatened by
22 third parties in response or reaction to the special event.

1 **Section 8 - Amendments to Sec. 41.5-116**

2 Sec. 41.5-116 of the Code of Ordinance shall be and hereby is
3 amended as follows:

4

5 Sec. 41.5-116 Duty to Indemnify the ~~Indemnity Of City Of Aurora~~

6 ~~(a)~~ Except with respect to a tier 6 event, an applicant shall,
7 in addition to the application provided under this division,
8 deliver to the city an agreement, as contained in the permit
9 application, in writing holding the city harmless from all
10 liability resulting from ~~the operation of the special event,~~
11 ~~and, further, shall agree to indemnify the city from all~~
12 ~~liability resulting from~~ any injury to patrons, bystanders,
13 passerby or any individual as a result of the operation or
14 maintenance of the special event, when such activity was
15 within the ~~management,~~ direction or control of the permittee,
16 ~~its invitees, or its agents.~~

17 **Section 9 - Amendments to Sec. 41.5-130**

18 Section 41.5-130 of the Code of Ordinances shall be and hereby is
19 amended as follows:

20 Sec 41.5-130 Special Event Application Fees And Deadlines

- 1 (a) The city council shall from time-to-time establish
2 application fees for special event permits, which shall
3 be non-refundable and reasonably related to the staff
4 time and resources required to review and process the
5 application. The city council may authorize a reduced
6 application fee for applicants which submit complete
7 special event applications prior to the dates set forth
8 in paragraph (b). ~~An applicant shall pay a non-~~
9 ~~refundable application fee as set by separate resolution.~~
- 10 (b) Except in the case of a Tier 6 event, an ~~An~~ applicant
11 shall ~~must~~ submit a ~~complete~~ special event application
12 at least thirty (30) days prior to the proposed event.
13 In the case of a Tier 6 event, an applicant shall submit
14 a special event application at least seven (7) days prior
15 to a proposed event. ~~no later than the following number~~
16 ~~of days prior to the first day of the proposed event:~~
- 17 ~~(1) Ninety (90) days for a tier 1 event;~~
18 ~~(2) Sixty (60) days for a tier 2 event;~~
19 ~~(3) Sixty (60) days for a tier 3 event;~~
20 ~~(4) Forty five (45) days for a tier 4 event;~~
21 ~~(5) Thirty (30) days for a tier 5 event; and~~
22 ~~(6) Seven (7) days for a tier 6 event.~~

1 ~~(c) An application deadline for a special event application~~
2 ~~may be waived by the coordinator if the following~~
3 ~~conditions are met:~~

4 ~~(1) The applicant can show good cause;~~

5 ~~(2) The applicant has a complete application to submit;~~

6 ~~(3) No unreasonable burden on the city will be created~~
7 ~~by the waiver; and~~

8 ~~(4) The applicant pays an additional fee for a late~~
9 ~~permit application~~

10 **Section 10 - Amendments to Sec. 41.5-131**

11 Section 41.5-131 of the Code of Ordinances shall be and hereby is
12 amended as follows:

13
14 Sec 41.5-131 Contents of a ~~of~~ Special Event Application

15 (a) All applications shall be submitted electronically in a
16 format approved by the coordinator. Whenever an
17 applicant is not a natural person, the applicant shall
18 designate an individual authorized to act on the
19 applicant's behalf as the primary point of contact with
20 respect to the application.

1 (b) Except as provided in subsection (c), an application
2 must contain all of the information described in this
3 section.

4 (c) The coordinator shall not deem an ~~Ne~~ application for a
5 tier 1 or tier 2 event ~~shall be deemed~~ complete unless
6 the application contains by the coordinator without the
7 following:

8 (1) Detailed information concerning the activities
9 included in the special event, including:

10 a. The number of bands, DJs or other musical acts
11 or units;

12 b. The name of the owner, owners, lessee, lessees,
13 proprietor, operator or manager of the subject
14 premises and the music festival and, in addition
15 thereto, the name of the proprietor, operator,
16 promoter or manager of each entertainment or
17 performance which collectively make up the music
18 festival, and the legal relationship of each to
19 the applicants of the music festival;

20 c. The number of theatrical performances;

21 d. The proposed size, location, and orientation of
22 speakers;

- 1 e. The distance from any residential districts and
2 how noise will affect those districts in
3 compliance with ~~(see~~ sec. 29-28 of this code
4 limitations);
- 5 f. The ancillary activities that will be associated
6 with the event;
- 7 g. The kinds of animals anticipated to be a part of
8 the event;
- 9 h. If the application is for a carnival or circus,
10 ~~the applicant must provide proof~~ evidence that
11 the carnival or circus is sponsored by a not-
12 for-profit organization that provides services
13 to the city or its residents ~~is sponsoring the~~
14 ~~carnival or circus~~;
- 15 i. If the application is for a carnival or circus,
16 such carnival or circus, evidence of compliance
17 with ~~must meet~~ all the applicable requirements
18 ~~under~~ of federal law and state law, including
19 but not limited to the Animal Welfare Act (AWA),
20 any regulations issued by the USDA or Animal and
21 Plant Health Inspection Service (APHIS) ~~as well~~
22 ~~as state laws, including but not limited to~~ 820

1 ILCS 270/1, et seq., (Aerial Exhibitors Safety
2 Act), 430 ILCS 85/2-1, et seq., (Amusement Ride
3 and Attraction Safety Act), 720 ILCS 5/48-10 and
4 11 (Dangerous Animals), and any other county or
5 city rules or regulations.

6 j. The types of non-emergency vehicles to be used
7 for the event; and

8 k. Any proposed closures of city rights of way
9 including sidewalks;

10 (2) Detailed information concerning:

11 a. If alcohol and food are to be provided as part
12 of the special event, evidence of compliance with
13 chapter 6 and chapter 25 of this code, as well
14 as evidence of compliance with any other
15 applicable, state, county, and city regulation.

16 ~~Food and alcohol are required to comply with~~
17 ~~chapters 6 and 25 of this Code, or any other~~
18 ~~certificates issued locally, through the county~~
19 ~~or state.~~

20 b. The proposed location of portable sanitation
21 facilities, including at least ten (10) percent
22 (and at least one (1)) being ADA compliant

1 (community events coordinator will provide event
2 organizer with formula of minimum required
3 portable sanitation facilities); and

4 c. ~~Detailed information concerning public~~ Public
5 health safety and emergency preparedness
6 including, but not limited to:

7 1. Provisions for queuing event attendees on
8 streets, sidewalks, or other city right-of-
9 ways;

10 2. An emergency action plan described in
11 section 41.5-160 of this code ~~(emergency~~
12 ~~action plan)~~; and

13 3. Other equipment or services necessary to
14 conduct the event with due regard to public
15 health and safety;

16 4. A detailed, oriented, legible, site plan
17 drawn to approximate scale depicting:

18 a. The proposed location of the event;

19 b. The location of structures, fire lanes,
20 streets, alleys, walkways, and
21 permanent fencing in or immediately
22 adjacent to the location of the event;

- 1 c. The location of any temporary fencing
2 and the points of egress for attendees
3 and event personnel;
- 4 d. The location of any temporary
5 structures including, tents, booths,
6 or rides, or trailers, their
7 dimensions;
- 8 e. The size and location of any stages
9 and seating areas;
- 10 f. The location of all trash, recycling,
11 and organic waste disposal containers;
- 12 g. The location of any vendor areas,
13 including areas where food trucks and
14 those selling food or beverages will
15 be located.
- 16 5. A parking and transportation plan
17 sufficient to provide for the proposed
18 event's anticipated participants and
19 attendees; and
- 20 6. If the applicant proposes the use of private
21 security, the name of the private security
22 company, the name of the permittee's

1 principal point of contact with the private
2 security company, evidence of the private
3 security company's licensure by the state,
4 evidence that the private security company
5 is insured and bonded, the number of
6 security personnel and supervisors to be
7 assigned and whether the private security
8 personnel will carry firearms or other
9 weapons.

10 d. ~~[Reserved]The coordinator shall establish a~~
11 ~~deadline, which will depend on the tier of the~~
12 ~~event, for the permittee to provide information~~
13 ~~required by subsection (c).~~

14 e. An application for a special event permit may be
15 submitted no earlier than January 1st of the year
16 the special event will be held, unless (1) the
17 same event was held in the city during the prior
18 calendar year, ~~in which case application letter~~
19 ~~of intent for a special event permit may be~~
20 ~~submitted after the event evaluation has been~~
21 ~~completed,~~ or (2) the application is submitted
22 prior to January 1 in order to comply with the

1 requirements of Sec. 41.5-130 or to qualify the
2 applicant for an early application incentive
3 offered by the city. In such cases, an
4 application may be submitted not more than sixty
5 (60) ~~fourteen (14)~~ days prior to the last day an
6 application submitted under Sec. 41.5-130 would
7 be timely or qualify for an early application
8 incentive, as the case may be.

9 (3) In the case of a carnival, the applicant shall
10 submit a security plan for all premises adjacent to
11 the proposed site of the carnival. This requirement
12 shall be in addition to all other applicable
13 requirements of this section.

14 (4) In the case of a parade, the applicant shall provide
15 a listing of the estimated number of the proposed
16 parade units known to the applicant at the time of
17 application and the order in which they will appear
18 in the parade. When such information is not
19 immediately available to the applicant, the applicant
20 shall provide as much information as it may have at
21 the time of application.

22 **Section 11 - Amendments to Sec. 41.5-132**

1 Section 41.5-132 of the Code of Ordinances shall be and hereby
2 is amended as follows:

3

4 Sec 41.5-132 Special Event Application Review

5 (a) ~~Nondiscrimination:~~ The coordinator shall consider each
6 event permit application upon its merits and shall not
7 discriminate based upon race, creed, color, ethnicity,
8 religion, ancestry, sex, age, disability, national
9 origin, sexual orientation, gender related identity,
10 political party affiliation (or lack thereof), familial
11 status, or marital status.

12 (b) For a tier 3 or tier 4 event, the coordinator will issue
13 a preliminary recommendation to approve the application
14 provided that the following conditions are met:

15 (1) No other approved or pending special events
16 conflict with the proposed special event;

17 (2) A prior special event permit or a permit issued
18 under any other chapter in this Code was not revoked
19 by the city in the preceding twelve (12) months as a
20 result of circumstances within the applicant's
21 control;

- 1 (3) The city has sufficient resources to address public
2 health and safety concerns raised by the special event,
3 provided, however that refusal or unwillingness of
4 employees to volunteer for additional work
5 assignments required for the special event shall not
6 be a basis for the city to determine that it lacks
7 sufficient resources; and
- 8 (4) The event will not cause an unresolvable conflict
9 in the public right-of-way or at a public facility.
- 10 (c) The coordinator is not required to process more than one
11 (1) application for a tier 3 or tier 4 event per event
12 organizer during any two-week period.
- 13 (d) Except as otherwise provided, when multiple tier 3 or
14 tier 4 events are requested for the same day and location,
15 the coordinator will prioritize applications based on
16 the number of years a special event has been conducted
17 in the city and receipt of a letter of intent. When two
18 (2) or more special events have been conducted for the
19 same number of years, applications will be reviewed on
20 a first come, first serve basis.
- 21 (e) For a tier 3 or tier 4 event, the coordinator will take
22 final action to approve or deny an application at least

1 five (5) business days ~~two (2) weeks~~ prior to the first
2 day of the special event.

3 (f) For a tier 1 or a tier 2 event, the coordinator will
4 take final action to approve or deny an application no
5 later than ten (10) business days ~~thirty (30) days~~ after
6 the application is deemed complete. Whenever the
7 coordinator determines that the application requires
8 additional review due to the extent of city resources
9 required by the proposed special event, the coordinator
10 may extend the time for review by an additional five (5)
11 business days.

12 (g) During the coordinator's review of an application, the
13 coordinator shall consult with and solicit the advice
14 and recommendation of city departments with respect to
15 the application and ~~review period, the coordinator will~~
16 engage in an interactive process with the applicants.

17 (h) Notwithstanding any provision of this chapter to the
18 contrary, the coordinator and an applicant may agree in
19 writing to extend the deadlines set forth in this chapter
20 for alternative periods to be determined by the parties.
21 If the coordinator and applicant agree to extend a time
22 period, a failure by either party to comply with any

1 previous deadlines shall not be treated as a violation
2 of this ordinance.

3 **Section 12 - Amendments to Sec. 41.5-134**

4 Section 41.5-134 of the Code of Ordinances shall be and hereby
5 is amended as follows:

6

7 Sec 41.5-134 Approval Or Denial Of A Special Event Application

8 (a) ~~Reserved. If the coordinator determines that none of~~
9 ~~the conditions specified in subsection (b), (c), or~~
10 ~~(d) of this section apply, the coordinator shall~~
11 ~~approve a special event application.~~

12 (b) The coordinator may deny an application for permit on
13 any of the following grounds:

14 (1) the application for permit (including any required
15 attachments and submissions) is not fully completed
16 and executed;

17 (2) the applicant has not tendered the required
18 application fee with the application or has not
19 tendered the required indemnification agreement,
20 insurance certificate, or security deposit within the
21 times prescribed by the ordinance;

- 1 (3) the application for permit contains a material
2 falsehood or misrepresentation;
- 3 (4) a previously approved special event application
4 conflicts with the proposed special event, time, date,
5 or location;
- 6 (5) the event, if approved, will cause an unresolvable
7 conflict in the public right-of-way or at a public
8 facility;
- 9 (6) the city lacks sufficient staffing resources to
10 address public health and safety concerns raised by
11 the special event in light of other city obligations
12 committed for the date and time of proposed special
13 event, provided, however that refusal or
14 unwillingness of employees to volunteer for
15 additional work assignments required for the special
16 event shall not be a basis for the city to determine
17 that it lacks sufficient resources;
- 18 (7) the applicant is legally incompetent to contract or
19 to sue and be sued;
- 20 (8) the applicant or the person on whose behalf the
21 application for permit was made has outstanding and
22 unpaid debts to the city specifically related to

1 special event activity for a bill issued pursuant to
2 Sec. 41.5-114(g) which the applicant has not timely
3 appealed.

4 ~~(b) The coordinator shall deny a special event application~~
5 ~~if the applicant fails to:~~

6 ~~(1) Provide a complete application;~~

7 ~~(2) Provide the documentation required in section~~
8 ~~41.5-131_ (contents of special events application);~~

9 ~~(3) Provide or otherwise arrange for sufficient crowd~~
10 ~~control and safety measures, when city does not~~
11 ~~require that such services be rendered by its own~~
12 ~~personnel or contractors;~~

13 ~~(4) Provide sufficient safety, health, or portable~~
14 ~~sanitation equipment, services, or facilities that~~
15 ~~are reasonably necessary to ensure that the event~~
16 ~~will be conducted with due regard for safety and ADA~~
17 ~~accessibility;~~

18 ~~(5) Provide sufficient waste management and recycling~~
19 ~~services community events coordinator may provide~~
20 ~~formula);~~

21 ~~(6) Provide sufficient off-site parking or shuttle~~
22 ~~service, or both, when required to minimize any~~

- 1 ~~substantial adverse impacts on general parking and~~
2 ~~traffic circulation in the vicinity of the event;~~
3 ~~(7) Meet the requirements for submitting an~~
4 ~~application for a special event permit;~~
5 ~~(8) Obtain the approval of any other public agency~~
6 ~~within whose jurisdiction the special event or a~~
7 ~~portion of the special event will occur;~~
8 ~~(9) Provide a sufficient emergency action plan based~~
9 ~~on event risk factors;~~
10 ~~(10) Obtain all other required city permits or~~
11 ~~approvals;~~
12 ~~(11) Meet the conditions set forth in section 41.5-132~~
13 ~~(special event application review); or~~
14 ~~(12) Provide a sufficient plan to accommodate~~
15 ~~individuals with disabilities at the event; or~~
16 ~~(13) Make revisions to a pending application that the~~
17 ~~coordinator requires consistent with this chapter.~~

18 (c) Reserved.

19 ~~The coordinator shall deny a special event application~~
20 ~~if it determines that:~~

- 21 ~~(1) The event will violate any local, county, state,~~
22 ~~or federal law or regulation or administrative rule;~~

- 1 ~~(2) The resources required to ensure public safety~~
2 ~~within the special event venue or impact area will~~
3 ~~prevent the police, fire, or emergency medical~~
4 ~~services departments from providing reasonable~~
5 ~~protections to the remainder of the city;~~
- 6 ~~(3) The concentrations of persons, animals, or~~
7 ~~vehicles within the special event venue or impact~~
8 ~~area will unduly interfere with the movement of~~
9 ~~police, fire, ambulance, or other emergency~~
10 ~~vehicles;~~
- 11 ~~(4) The event will substantially interfere with:~~
- 12 ~~a. Any other special event for which a permit or~~
13 ~~application has already been approved; or~~
- 14 ~~b. The provision of city services required to~~
15 ~~support scheduled or unscheduled government~~
16 ~~functions.~~
- 17 ~~(5) The applicant demonstrates an inability or~~
18 ~~unwillingness to conduct an event in compliance with~~
19 ~~the requirements of this chapter or a condition to a~~
20 ~~permit issued under this chapter; or~~

1 ~~(6) conducted a prior special event in a manner that~~
2 ~~failed to receive a positive post event evaluation~~
3 ~~in the past three (3) years.~~

4 (d) Reserved. ~~The coordinator shall approve an application~~
5 ~~if:~~

6 (1) ~~None of the conditions in subsection (b) and (c)~~
7 ~~apply.~~

8 (e) Reserved. ~~The coordinator is not required to take~~
9 ~~action on an incomplete or untimely application,~~
10 ~~except as provided in section 41.5-131 (Contents of~~
11 ~~special events application).~~

12 (f) The coordinator may require an applicant to modify its
13 ~~application modifications.~~ In exercising this
14 ~~authority, the community events coordinator will~~
15 ~~consider:~~

16 (1) Scope of events;

17 (2) Traffic;

18 (3) Parking;

19 (4) Other events or activities previously scheduled
20 in close proximity; and

21 (5) Crowd control ~~Public safety~~ concerns.

1 (g) If the coordinator denies an application, the
2 coordinator shall notify the event organizer in writing
3 as soon as practicable, setting forth the basis for the
4 denial and the organizer's right to appeal. A
5 notification sent by electronic mail complies with this
6 subsection. Prior to denying an application for a permit
7 to an otherwise qualified applicant who has not complied
8 with one or more requirements of this chapter, the
9 coordinator shall notify the applicant in writing of the
10 proposed grounds for denial. The notice shall describe
11 any alterations to the permit or actions by the permittee
12 or the city that would mitigate the noncompliance,
13 advise the permittee of its opportunity to propose
14 alternative measures, and offer the applicant a
15 reasonable time for compliance or mitigation of
16 noncompliance. Issuance of a notice under this section
17 shall toll the city's obligation to undertake any
18 additional measures in furtherance of the issuance of a
19 permit until such time as the applicant can comply with
20 the requirements of this section or otherwise mitigates
21 any material non-compliance.

1 (h) The coordinator may deny any application which is
2 ~~Applications that are~~ inactive for a period of thirty
3 (30) days. ~~forty five (45) days~~ A denial by the
4 coordinator under this section shall require the
5 applicant to submit a new application for a special event
6 consistent with this chapter ~~are automatically denied~~
7 ~~and the applicant must re-apply for a special events~~
8 ~~permit.~~

9 (i) Whenever an applicant for a special event, other than a
10 tier 6 special event, is unable to demonstrate at the
11 time of application that it is able to immediately
12 satisfy all of the requirements of this chapter, but is
13 likely to do so by the date of the special event, the
14 coordinator may issue a provisional permit to the
15 applicant to facilitate the ongoing planning of the
16 event. The issuance of a provisional permit reserves the
17 time, place, and location of a proposed special event to
18 the applicant, and may authorize particular aspects of
19 the application, but does not guarantee the subsequent
20 approval of all aspects of the application unless the
21 coordinator is satisfied that the applicant can comply
22 with all of the requirements of this chapter. A

1 provisional permit is subject to ongoing modification
2 and review by the coordinator based on the applicant's
3 demonstration, or failure to demonstrate, its ability to
4 comply with all of the requirements of this chapter.

5 (j) In lieu of denying an application for a special event
6 permit, other than a tier 6 special event, to an
7 otherwise qualified applicant who has failed to
8 demonstrate that it is able to comply with the
9 requirements of this chapter and is unable to
10 substantially mitigate such failures after having been
11 given the opportunity to do so in accordance with
12 paragraph (g), the coordinator shall, upon the request
13 of the applicant, issue the applicant a permit
14 authorizing a tier 6 special event. A permit for a tier
15 6 special event issued by the coordinator under this
16 paragraph shall convey no additional rights or
17 privileges, nor impose greater obligations on the
18 permittee than otherwise authorized by this chapter.

19 (k) A permittee has the continuing duty to promptly notify
20 the coordinator of any changes to the information it
21 provided as part of its application, including, but not
22 limited to those involving in the size and nature of the

1 event, anticipated participants, health, safety, or
2 security and site plans.

3 **Section 13 - Amendments to Sec. 41.5-135**

4 Section 41.5-135 of the Code of Ordinances shall be and hereby is
5 amended as follows:

6
7 ~~Sec. 41.5-135 Appeals of Special Event Application Denial~~

8 (a) An applicant shall have the right to appeal from the
9 following decisions of the coordinator:

- 10 1. A denial of an application of a permit;
- 11 2. A revocation of a previously-issued permit;
- 12 3. The imposition of a condition upon the issuance of a
13 permit requiring modification of the application;
- 14 4. A requirement that the applicant post an additional
15 deposit or other security as a condition of the issuance
16 of a permit;
- 17 5. A charge for item appearing on a final invoice issued
18 pursuant to Sec. 41.5-114(c) (3) (b)

19 ~~If coordinator denies or revokes a special event application,~~
20 ~~if the event organizer disputes any item in a bill sent~~
21 ~~pursuant to Sec. 41.5-114(c) (3)b, the event organizer may~~

1 ~~appeal the denial to the administrative hearing officer in~~
2 ~~accordance with chapter 3 of this code and this section.~~

3 (b) Reserved.

4 (c) Except in the case of a disputed item appearing on a
5 post-event invoice, the The applicant must deliver an appeal
6 to the city clerk, in writing, no later than five (5) ~~regular~~
7 business days after the event organizer is notified that the
8 application was denied, or such appeal shall be deemed waived.
9 In the case of a disputed item appearing on an post-event
10 invoice, an appeal may be filed within ten (10) business days
11 of the permittee's receipt of such invoice.

12 (d) The law department, upon notification of appeal, shall
13 promptly set a time and date for a hearing. The applicant
14 shall be given an opportunity to be heard by the hearing
15 officer in accordance with chapter 3 of this code within ten
16 (10) business days ~~upon any such denial or revocation within~~
17 ~~fourteen (14) days~~ of filing an appeal. In the case of an
18 application for a special event scheduled to occur fewer than
19 ten business (10) days from the filing of a notice of appeal,
20 the law department shall schedule such hearing as soon as
21 practicable and without delay. The applicant shall be

1 prepared to proceed on the day and time determined by the
2 hearing officer.

3 (e) At such hearing, the hearing officer shall give the
4 applicant an opportunity to be personally heard and to present
5 witnesses and information relevant to the issue. The hearing
6 officer shall also hear from the city and its witnesses and
7 information relevant to the issue.

8 (f) The hearing officer must act on the appeal within three
9 (3) business days following the conclusion of any hearing and
10 may uphold, modify, or reverse the decision of the coordinator
11 being appealed ~~or reverse the denial.~~

12 (g) In considering the appeal, the hearing officer shall
13 review the coordinator's determinations in accordance with
14 the standards set forth in this chapter ~~apply the same~~
15 ~~criteria as the coordinator under section 41.5-134 (approval~~
16 ~~or denial of special event application).~~

17 (h) The hearing officer shall provide the applicant with a
18 written copy of any determination made as part of the
19 administrative proceeding.

20 **Section 14 - Amendments to Sec. 41.5-153**

1 Section 41.5-153 of the Code of Ordinances shall be and hereby is
2 amended as follows:

3 Sec. 41-153 [Reserved] ~~Post-Event Evaluations~~

4 ~~(a) Following the conclusion of a special event permitted~~
5 ~~under this chapter, the coordinator shall undertake a~~
6 ~~performance review of the event if (1) the event was a~~
7 ~~tier 1 or tier 2 event, (2) the city or the permittee~~
8 ~~experienced problems staging the event, including those~~
9 ~~related to crowd or traffic control, responses to~~
10 ~~emergency situation, or acts or omissions by the~~
11 ~~permittee; (3) the city or the permittee were required~~
12 ~~to devote greater resources to the event than~~
13 ~~anticipated or (4) the permittee engaged in or permitted~~
14 ~~the violations of the conditions of the permit by persons~~
15 ~~under its control.~~

16 ~~(b) In conducting the performance review required by this~~
17 ~~section, the coordinator shall determine, based on the~~
18 ~~totality of circumstances whether the special event~~
19 ~~materially complied with the requirements of the permit,~~
20 ~~was appropriately managed, that appropriate~~
21 ~~communication was maintained among the permittee, the~~
22 ~~coordinator, and relevant city personnel throughout the~~

1 ~~process, and that the permittee has fully reimbursed the~~
2 ~~city for any costs it agreed to reimburse the city.~~

3 ~~(c) If upon conclusion of the evaluation described in~~
4 ~~paragraph (b) the coordinator determines that the~~
5 ~~special event or the permittee did not materially comply~~
6 ~~with the requirements of this chapter, the coordinator~~
7 ~~may impose additional requirements upon subsequent~~
8 ~~special event applications by the permittee to mitigate~~
9 ~~the effects of the permittee's performance, or limit a~~
10 ~~permittee to a tier 6 event.~~

11 **Section 15 - Amendments to Sec. 41.5-156**

12 Section 41.5-156 of the Code of Ordinances shall be and hereby is
13 amended as follows:

14
15 Sec 41.5-156 Additional Requirements

16 (a) A permittee shall provide sufficient portable toilets,
17 both ADA accessible and non-accessible facilities in the
18 immediate area of the event site based on the estimated
19 number of attendees at the special event. This
20 requirement shall not apply to a tier 6 event with a
21 duration of fewer than three hours.

- 1 (b) A permittee shall provide a plan to accommodate enough
2 handicap parking spots in the vicinity of the event based
3 on the estimated number of attendees at the special event.
4 This requirement shall not apply to tier 6 events.
- 5 (c) During a special event held at a city facility or on
6 city streets, sidewalks, or right-of-way, a permittee
7 may not provide or distribute, or allow another to
8 provide or distribute glass containers or Styrofoam.
- 9 (d) If applicable, a permittee shall post a sign at each
10 entrance and exit to a special event venue with a right-
11 of-way closure area that is visible to all patrons
12 entering the area that includes the amount of the entry
13 fee, if any, standardized rules, along with language
14 notifying patrons that if rules are violated they are
15 subject to removal from the event and the rules of access
16 to the right-of-way closure area. If applicable, a
17 permittee must post the sign required by this subsection
18 during the time the entry fee is in effect.
- 19 (e) If an entry fee is charged for a special event, a
20 permittee may not charge an entry fee for a person that
21 needs access to a residence within the special event
22 impact area or right-of-way closure area or a business

1 within a special event impact area or right-of-way
2 closure.

3 (f) An Americans with Disabilities Act (ADA) compliance plan
4 is required for any special event that interferes with
5 accessibility on city streets, sidewalks, right-of-way,
6 or city facilities. This plan must also comply with: 71
7 IL Admin Code, Section 400.

8 (g) In the case of a carnival, and unless the permittee
9 establishes an earlier closing time, the special event
10 shall close upon and not operate after (1) the hour of
11 8:00 p.m. on Sundays through Thursdays and (2) the hour
12 of 9:00 p.m. on Fridays and Saturdays. The permittee
13 shall conclude its ticket sales at least thirty (30)
14 minutes prior to the closing time required under this
15 paragraph.

16 (h) The coordinator shall not issue a permit authorizing a
17 circus or carnival to operate in any one (1) location
18 for a period exceeding five (5) days. The coordinator
19 shall not issue permits for more than two (2) carnivals
20 or two (2) circuses that include animal performances at
21 the same location within a single calendar year,
22 regardless of the entity operating the carnival or

1 circus. The coordinator shall not issue more than four
2 (4) permits for a circus not including animal
3 performances at the same location within a single
4 calendar year.

5 (i) For any event for which the permittee or a person acting
6 on the permittee's behalf has obtained a license to sell
7 alcoholic liquor on the premises of the special event,
8 the permittee shall ensure that the service and
9 consumption of alcohol within their control complies
10 requirements of said license.

11 (j) For any event for which the sale of alcoholic liquor is
12 not authorized, a permittee shall make reasonable
13 efforts to ensure that persons participating in the
14 event who under the control of the permittee refrain
15 from the consumption of alcohol on the premises of the
16 event. A person participating in an event is under the
17 control of the permittee only if such person is
18 performing any duty on behalf of the permittee related
19 to the event or attached to a vendor or unit included in
20 the event. A person present at an event as a mere
21 spectator or observer shall not be deemed to be

1 participating in a the event for the purposes of this
2 paragraph.

3 **Section 16 - Amendments to Sec. 41.5-160**

4 Section 41.5-160 of the Code of Ordinances shall be and hereby is
5 amended as follows:

6

7 (a) An emergency action plan is required for any special
8 event and must be approved by the coordinator.

9 (b) A permittee shall prepare an emergency action plan for
10 a special event that is based on the estimated number of
11 attendees and, at a minimum, includes:

12 1. On-site security for attendees and property;

13 2. On-site medical coverage, number of a level of
14 certification of emergency medical responders, and the
15 911 access that will be utilized for the special event;

16 3. Fire safety plan;

17 4. Weather related evacuation and cancellation plans; and

18 5. Documents required in section 41.5-131 ~~(Contents of~~
19 ~~Special Events Application)~~.

20 (c) The respective departments of the city shall provide a
21 permittee with such assistance as the permittee may

1 reasonably require in the development of the emergency action
2 plan. Subject to the requirements of paragraph (e), a
3 department may provide an organizer with a pre-approved
4 template plan for common event types, locations, or scenarios.

5 (d) When required for a special event, the number of police
6 officers, emergency medical providers, and fire department
7 employees required for a special event must be based on
8 guidelines established by each separate department. Each
9 department's guidelines shall be reduced to writing and
10 available for public inspection. In developing such
11 guidelines, a department shall consider the size and nature
12 of the proposed special event; the anticipated number of
13 attendees; available staffing on the date and time proposed;
14 traffic conditions, including the number of intersections
15 required to be closed; security threats associated with
16 special events regardless of their nature; and any other
17 objective law enforcement or public safety consideration.

18 (e) A security plan created by the city in response to an
19 application for a special event, when in the possession of
20 the city shall constitute a plan of security measures and
21 response to potential attacks and shall not be available for
22 inspection and copying to the extent disclosure could

1 reasonably expose vulnerabilities, or jeopardize the
2 effectiveness of the plan, or the safety of the personnel
3 implementing the plans or the public at large.

4 (f) At least ~~thirty 30~~ fourteen (14) business days prior to
5 the start of a tier 1 or tier 2 special event, a permittee
6 shall provide the coordinator a written description of all
7 non-city public safety resources, if any, that the permittee
8 has retained for the special event.

9 **Section 17 - Amendments to Sec. 41.5-170**

10 Section 41.5-170 of the Code of Ordinances shall be and hereby
11 is amended as follows:

12

13 Sec 41.5-170 Violations of this chapter.~~Offense And Penalty~~

14 (a) A person who violates a provision of this chapter or a
15 requirement or condition of a special permit is guilty
16 of a separate offense for each day or part of a day
17 during which the violation is committed or continued.

18 (b) For offense punishable by a fine not to exceed five
19 hundred dollars (\$500.00), a culpable mental state is
20 not required for the commission of an offense under
21 this chapter.

1 (c) Each offense is punishable by a fine not to exceed:

2 (1) Two thousand dollars (\$2,000.00) fine plus cost
3 recovery for a violation of a provision of this
4 chapter or a requirement or condition of a special
5 event permit governing fire safety, zoning, or public
6 health and sanitation, including dumping of refuse,
7 site restoration; or

8 (2) Reserved. ~~Any event organizer/person or~~
9 ~~organization who holds a special event, regardless of~~
10 ~~tier, without a proper permit is subject to fines not~~
11 ~~less than five hundred dollars (\$500.00) and not more~~
12 ~~than ten thousand dollars (\$10,000.00) per day of the~~
13 ~~unpermitted special event.~~

14 (3) Five hundred dollars (\$500.00) fine for all other
15 violations of this chapter or requirement or condition
16 of a special event permit.

17 ~~(4) Any other offenses listed in this Code.~~

18 **Section 18 - Sec. 41.5-171 (New)**

19 Chapter 41.5 of the Code of Ordinances shall be and hereby is
20 amended by creating Sec. 41.5-171 as follows:

21 Sec. 41.5-171 Damage to public property

1 (a) A permittee is liable for any loss or damage to public
2 property caused by the permittee or its agents in the course of
3 the event, as allowed by law.

4 (b) The city shall notify a permittee of any damages it
5 believes the permittee is responsible for in writing, including
6 the nature and location of the damage, the reason the city
7 attributes the damage to the permittee, and the cost of replacement
8 or repair of the property, including an invoice or estimate from
9 any third-party contractor.

10 (c) The provisions of this section are independent of a
11 permittee's obligations with respect to site restoration or
12 payment of costs associated the event itself.

13 (d) The city's failure to notify a permittee of its liability
14 for damages under this section as part of any bill issued under
15 Sec. 41.5-114 of this code shall not relieve the permittee of its
16 obligations under this section nor operate as a bar to recovery.

17 (e) The city's issuance of a subsequent permit shall not be
18 considered a waiver of any claim against the permittee arising
19 from or relating to a previous special event.

20 (f) In any litigation to enforce paragraph (a), the
21 prevailing party may recover its cost of litigation as allowed by
22 law.