

## **Chapter 5.24 - SPECIAL EVENTS**

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### **5.24.010 - Definitions.**

For the purpose of this chapter and future amendments thereto, certain terms and words are hereby defined. Whenever the following words, terms and/or phrases are used in this chapter, they shall have the meanings respectively ascribed to them in this section as specified below, except where the context indicates a different meaning:

**Event Manager:** The person responsible on behalf of the sponsor and/or permittee for managing the special event and ensuring that the sponsor and/or permittee and all participants and spectators comply with all the permit conditions, this Code, and all other requirements applicable to the proposed special event, and which person shall also be the primary contact person between the permittee and the village and responsible for coordinating all of the submittals required by or requested by the village.

**Exhibition:** An object or collection of objects shown in a display for the viewing of the general public.

**Parade:** Any march, ceremony, show, exhibition, pageant, or procession of any kind, or similar display, upon any public property in the village where the number of participants and/or spectators is expected or may reasonably be expected to exceed one hundred (100) or more persons and/or vehicles.

**Permit:** A nontransferable permit issued under this chapter by the village to hold a special event in the village.

**Permittee:** Any person or entity that has been issued a permit pursuant to this chapter.

**Person:** Any individual, partnership, association, organization, or corporation.

**Special Event:** An organized activity sponsored or operated by any person which will be located in whole or in part outdoors, that is (1) conducted on the public way or public park of the village, or (2) conducted on property open to the public other than the public way and which will require the use of special village services or involves public entertainment or the sale of merchandise, food or beverages. The term special event includes but is not limited to a festival, outdoor or sidewalk sale, race, concert, parade, exhibition, carnival, circus, car show, or petting zoo.

Class A Special Event: Any carnival, circus or other special event conducted on property open to the public that will require the use of special village services or any special event conducted on the public way or a public park of the village.

Class B Special Event: Any special event conducted on property open to the general public other than on the public way or public park and which does not require special village services.

Special Village Services: Services provided by the village during any special event which are in addition to, above and/or beyond the respective level of such services and/or operations normally provided by the village, which services may include, but are not limited to, any of the following street closures; provision of barricades, trash or recycling receptacles; special parking signs, special electrical services, crowd control, security, special fire/EMS protection; or use of village vehicles and/or equipment.

Special Village Services Fees: Any charges to be paid by the sponsoring organization and/or permittee for special village services.

Sponsor: The person or entity that is conducting the special event or in whose name or for whose support the proposed special event will be presented.

Village Sponsored Community Event: A special event which will be held, in whole or in part, on public property within the village and:

- A. Is open to the public;
- B. Is organized by a not for profit corporation or governmental entity;
- C. Is community oriented; and
- D. For which the village, with the express approval of the corporate authorities, is listed as a sponsor or cosponsor in all promotional marketing materials for the event.

#### **5.24.020 - Permit required.**

- A. It shall be unlawful for any person to conduct a special event, or other similar activity, within the corporate limits of the village unless a permit has been issued therefore pursuant to this chapter.
- B. No special event or similar activity is permitted on any public way or public park of the village unless a permit allowing such activity has been obtained pursuant to this chapter.
- C. The permit fee for issuance of a Class A or Class B special event permit shall be as set forth in Chapter 20.02 of the Carpentersville Municipal Code.
- D. All permits issued pursuant to this chapter are nontransferable and can only be used on the designated dates and times approved by the village.

#### **5.24.030 - Filing of application.**

- A. Any person wishing to secure a permit pursuant to this chapter shall submit an application to the village, which application shall be on a form prescribed and furnished by the village and shall identify, among other things, specific details of the event which may be necessary or required to hold such event, as well as the name of an "event manager" for the proposed event. All information provided on the application shall be complete and truthful.
- B. Any person seeking to obtain a permit pursuant to this chapter shall file the application with the Director of Community Development no later than sixty (60) days prior to the date the event is scheduled to begin. The Director of Community Development may request additional information from the applicant. An application will not be considered filed until all required and requested information is submitted as set forth in this chapter. The Director of Community Development is

authorized to establish rules, regulations and procedures, in addition to those provisions set forth in this chapter, for the processing of special event permit applications.

- C. The Director of Community Development may, in his sole discretion, when good and compelling cause is shown, consider an application under this chapter which is filed less than the required period before the date the special event is proposed to be conducted.
- D. The application shall be accompanied by the nonrefundable permit application fee in the amount established from time to time by the corporate authorities.

#### **5.24.040 - Procedure for review of application.**

Upon receipt of the application and permit fee, the Director of Community Development shall forward copies of the application(s) to the Village Manager, Chief of Police, Fire Chief, Director of Economic Development, the Director of Public Works, and/or any other departments of the village which may be affected by the event. Each village department shall analyze the application and determine if:

- 1. The license application is complete and contains sufficient detail of the special event.
- 2. Any additional licenses or permits or approvals are required for the special event or related activities pursuant to the municipal code.
- 3. Any special village services will be required and the estimated costs for such services.
- 4. The criteria of Section 5.24.050 have been satisfied.

#### **5.24.050 - Standards for issuance of permit.**

- A. The Director of Community Development shall issue a permit for a special event, or similar activities as provided for under this chapter when, from a review of the application and other information as may otherwise be obtained, it is determined that:
  - 1. The applicant has complied with all of the requirements of this Code and the applicable rules or regulations promulgated thereunder, including, but not limited to, the following:
    - a. That all requirements of the application have been met, the application is complete, and the information provided is true and correct; and
    - b. That neither the proposed permittee, officer of the sponsor, nor the event manager has been convicted of a felony or a crime involving fraud or deceptive practice.
  - 2. The conduct of special event will not substantially interfere with the safe and orderly movement of traffic.
  - 3. The special event will not substantially interfere with any publicly managed infrastructure project.
  - 4. The special event and related activity will not present an unreasonable danger to the health or safety of the applicant, village employees, or members of the public, which may be determined upon the basis of past events that have occurred within the corporate limits of the village.
  - 5. There are available at the time of the special event a sufficient number of peace officers to police and protect lawful participants in the activity and maintain adequate police protection in the rest of the village.
  - 6. The concentration of persons, animals and vehicles at the special event, or similar activity will not unduly interfere with the proper fire and police protection or ambulance service.
  - 7. The activity will not interfere with scheduled village functions or the normal activities of the residents of the village.
  - 8. The conduct of the special event will not interfere with the movement of emergency equipment responding to any emergency.
  - 9. The event will not subject the surrounding neighborhood to an unreasonable degree of noise, littering, or parking difficulties, or other adverse conditions in light of the character of the neighborhood.

10. The special event or related activity is not being conducted for an unlawful purpose.
  11. The special event will not need special village services that cannot be reasonably made available.
  12. The permittee has received all other permits, licenses and approvals necessary to conduct the activities of the special event.
  13. The permittee has paid all required permit fees and posted all bonds required for the special event.
  14. The special event will not conflict with all other event that has previously been scheduled.
- B. After receipt and consideration of the recommendations from all other department heads, the community development director shall consider said recommendations and shall determine whether the special event permit shall be granted in accordance with the provisions of this chapter.
- C. Written Approval or Disapproval; Special Conditions; The Director of Community Development shall approve or disapprove said application for an event permit and/or may impose, in writing, any general or special conditions with which the applicant, proposed permittee, the event manager, and the sponsor, if any, must comply. The permit, once issued by the village, is nontransferable and can only be used on the designated dates, and rain dates, if applicable, and at the times, as approved.
- D. Conditions of Issuance of Permit:
1. All permits issued by the Director of Community Development shall be conditioned upon the following:
    - a. The village's receipt and approval of all required and/or requested submittals, fees, funds and deposits, including, but not limited to, approval of any certificate(s) of insurance.
    - b. The village's receipt of payment in advance by the proposed permittee, event manager, and/or sponsor of the cash bond for the estimated special village services fees.
    - c. Compliance by the permittee, the event manager, and the sponsoring organization, if any, with all applicable provisions of this Code, permit conditions as imposed by the village, and other applicable requirements.
  2. No permit issued under this chapter may authorize the operation of an event for a period longer than a period of ten (10) days.

**5.24.060 - Denial of permit; appeal.**

- A. Any person aggrieved by a decision of the Director of Community Development shall have the right to appeal that decision first to the Village Manager and then to the corporate authorities, provided that such appeal is in writing and is filed with the Village Clerk within ten (10) days of the applicant's receipt of the notification of denial by the Director of Community Development.
- B. The Village Manager or corporate authorities, as the case may be, shall set a time and place for a hearing on such appeal and notice of such hearing shall be given in writing to the appellant by regular U.S. mail.
- C. The appellant shall have the right to be represented at such hearing by counsel at the appellant's expense.
- D. At a hearing conducted under this subsection, all interested persons shall be given an opportunity to be heard.
- E. Any relevant written testimony or documentation regarding the proposed event may be accepted.
- F. The decision and order of the corporate authorities on such appeal shall be final.

#### **5.24.070 - Special Village services.**

The village may require special village services be provided for the special event. The determination of whether special village services shall be required shall be based upon the nature of the event and related activities, safety of the participants, inconvenience to the public, the location of the event, the expected vehicular and pedestrian traffic and congestion, the estimated attendance density of the area, size of the area, number of street closures, affected intersections and the public facilities required. The cost of all special village services involved in advance of, during and after the day(s) of the event may be charged to the applicant, proposed permittee, the event manager, and/or the sponsor. If the sponsor or permittee requests special village services, the event manager, permittee, and/or sponsor shall also be responsible for the payment of special village services fees in order to reimburse the village for such special village services. Prior to the event, the village will provide to the event manager, permittee, and/or sponsor an estimate of costs for such special village services. The sponsor, permittee or event manager shall post a cash bond in an amount equal to one hundred percent (100%) of estimated special village service fees prior to issuance of the permit. A final invoice will be transmitted to the applicant, permittee, the event manager, and/or the sponsor within thirty (30) days after the completion of the event. Any funds deposited with the village in excess of the amount of such final invoice will be returned to the permittee.

#### **5.24.080 - Insurance.**

- A. Prior to the issuance of any Class A permit pursuant to this chapter the proposed permittee shall furnish evidence of public liability coverage insurance in the amount of two million dollars (\$2,000,000.00) naming the village, its officers, employees, agents, and volunteers, as additional insureds in such form as may be determined by the Village Manager to provide for the payment of any claims for personal injuries (including death and any injuries to village employees, agents, or contractors), property damage or other suits arising out of or connected with such special event, or other related activities.
- B. Each insurance policy required hereunder shall include a provision to the effect that it shall not be subject to cancellation, reduction in any coverage, or to other material changes until notice thereof has been received by the Village Manager not less than thirty (30) days prior to such cancellation or change and the Village Manager has approved in writing such cancellation and/or change. The Village Manager shall be authorized to approve or disapprove any such material change in an insurance policy, and the village's disapproval thereof may result in the non-issuance, suspension, and/or revocation of said permit.
- C. Failure of the permittee, event manager, and/or sponsoring organization to maintain such insurance during such period shall result in automatic revocation of the permit. For the purposes of this chapter, the permit shall be effective during the event and include the time required before and after the event for construction, assembly, dismantling, and removal of all materials, equipment and/or support structures, as well as the time following the event during which the public property shall be cleared and restored to the condition which existed prior to commencement of such event.

#### **5.24.090 - Waiver of fees.**

- A. The President and Board of Trustees may waive the permit fee or special services fee for any village sponsored special event, operated by a governmental entity.
- B. The President and Board of Trustees may waive the permit fee for any special event operated by a not for profit corporation or governmental entity.

#### **5.24.090 - Duties of permittee.**

It shall be the duty of all permittee(s), event manager(s), and sponsors to comply with all permit directions and conditions and with all applicable statutes, codes, ordinances and rules and regulations.

The event manager or a designee, who shall be at the special event, shall carry the permit issued pursuant to this chapter upon their person during the conduct of the event.

#### **5.24.100 - Suspension or revocation of permits.**

- A. The Director of Community Development or the Village Manager may at any time suspend or revoke a permit if the operation or conduct of the event is in violation of any conditions, rules, and/or regulations imposed on the permit, any applicable provisions of this Code or any other applicable law, or if, in the judgment of the Village Manager, such revocation is necessary to preserve the health or safety of the public. When circumstances permit, the permittee, the event manager, and/or the sponsoring organization shall be given such notice as is possible and an opportunity to be heard prior to such suspension or revocation. In addition, the Director of Community Development or Village Manager is authorized to suspend or revoke a permit if he or she finds:
  - 1. That the application for the permit is incomplete and/or contains any false, fraudulent or misleading material statement;
  - 2. That the applicant, permittee, event manager, and/or the sponsor have made any false, fraudulent or misleading material statement, or has been convicted of perpetrating a fraud upon any person, whether or not such fraud was perpetrated in the course of conducting any business in the village; or that the applicant, permittee, and/or event manager has committed a felony; or
  - 3. That the applicant, permittee, event manager, and/or the sponsor have conducted any activities in the village in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.
- B. Automatic suspension of the permit shall occur whenever the insurance required under this chapter, or as otherwise required for operation of said event, has lapsed or is canceled.
- C. Except when suspension of a permit issued pursuant to this chapter is automatic as provided in this chapter, the Village Manager shall provide written notice of the suspension and/or revocation of such permit stating the reasons therefor, which notice shall be mailed to the applicant, the permittee, the event manager, and the sponsoring organization, if any, at the addresses provided on the application for such permit, or personally served upon the permittee or upon the event manager, at the time of revocation. Unless the permit will expire by its own terms before a hearing can be reasonably scheduled, no revocation will take effect until the sponsor and/or permittee have been given notice and an opportunity to be heard. When necessary to prevent an immediate threat to the health or safety of the public, the Village Manager or the Chief of Police, or his or her designee, shall be and is hereby authorized to order the permittee to immediately cancel and require all activities of the event to cease.

#### **5.24.110 - Public conduct; parking restrictions.**

- A. **Interference With Special Event:** No person shall unreasonably hamper, obstruct, impede or interfere with any special event.
- B. **Parking on Route or in Location:** The Chief of Police shall have the authority to prohibit or restrict the parking of vehicles on or along public property or part thereof constituting a part of the route location of the special event or related activity. The Chief of Police shall order the posting of signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.