




MEMORANDUM

TO: Trustee Anthony Puccio, Chairperson
Economic and Community Development Committee

FROM: Jennifer Ganser, AICP, Assistant Director 

MEETING DATE: October 11, 2021

SUBJECT: **Text Amendments to Village Code: Temporary Events**

Staff has reviewed Sections 110.40 and 110.60 of Village Code and found additional updates since the October 2019 review. In the review, staff found the need for certain text amendments. This was reviewed with Village Counsel. Updates include:

1. No longer waiving attraction and carnival fees for non-profits. Non-profits may request a permit fee waiver of \$75/day. However, when attractions (like carnival rides) are included Village staff must be present for inspections. Additionally, these events require more oversight.
2. Set up a distinction between on-premises and off-premises events. This is to distinguish between a business having a tent sale on their property/tenant space versus having an outside business conduct the tent sale or a similar event.
3. Updated Section 110.60 to be consistent with Section 110.40.
4. Edits for clarity in both Sections.

ACTION REQUESTED

Staff requests the ECDC review the proposed changes and make a recommendation vote to the Village Board.

ARTICLE III. TEMPORARY EVENT¹

§ 110.40 Definitions.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Attraction: Any shows, acts, games, vending devices, food stalls, booths or tents, rides or amusement devices.

Seasonal outdoor garden sales: The sale and delivery of garden materials, including live flowers, trees, shrubs, vegetables, farmers market, and similar live plants; cut trees, wreaths, and similar organic holiday decorations; landscape materials; and hardware implements associated with the installation and maintenance of the aforementioned items, to the public not conducted within a completely enclosed building occurring over a specific and limited time period. Sale may include the offering of refreshments and entertainment accessory to the sale.

Temporary event: Any temporary outdoor event, temporary special event, or any similar activity or land use, occurring over a specific and limited span of time, which has not been authorized or permitted by the certificate of occupancy or conditional use approval, other than a carnival, as defined in and regulated by § 110.60 of this Code.

Temporary open-air cafe: The sale and delivery of food items intended for consumption on the premises ~~for~~ occurring over a specific and limited time period no more than a three-day period, not conducted within a completely enclosed building, with or without the provision of seating.

Temporary outdoor event: Any temporary open-air cafe, temporary outdoor sale or auction, seasonal outdoor garden sales, or any similar activity or enterprise, not conducted within a completely enclosed building occurring over a specific and limited span time period.

Temporary outdoor sales or auctions: The sale and delivery of goods to the public ~~for no more than a 30-day period~~ occurring over a specific and limited time period, not conducted within a completely enclosed building. Sale may include the offering of refreshments and entertainment accessory to the sale event. Items placed on the public sidewalk shall be brought inside at the end of each day of the event.

Temporary special event: Any activity conducted within a completely enclosed building or structure, which is not specifically permitted by the certificate of occupancy issued for the building or structure in question occurring over a specific and limited time period.

(Ord. No. 7043, § 1, passed 2-5-15; Ord. No. 7366, § 1, passed 5-4-17; Ord. No. 7755, § 1, passed 11-21-19)

¹Editor's note(s)—Ord. No. 7043, § 1, adopted February 5, 2015, amended article III in its entirety to read as herein set out. Former article III, §§ 110.40—110.49, pertained to similar subject matter. See Code Comparative Table for complete derivation.

§ 110.41 Permit required.

It shall be unlawful for any person, firm, or corporation to set up, run, operate, or conduct any temporary event as defined in § 110.40, in other than full compliance with the provisions of this subchapter and having first been issued a written permit from the Department of Community Development.

(Ord. No. 7043, § 1, passed 2-5-15; Ord. No. 7755, § 1, passed 11-21-19)

§ 110.42 Application.

The applicant for such permit shall file an application in writing with the Department of Community Development at least 20 days prior to the proposed date of the opening of the proposed temporary event to the public. The application shall specify the following:

- (A) The name of the person, firm, or corporation which will use the structures already erected or to be erected.
- (B) The location of the principal place of business of such person, firm or corporation.
- (C) The names and addresses of the officers of such firm or corporation.
- (D) The length of time any structures to be erected are intended to be used as places of assembly.
- (E) The hours during which the structures are intended to be used as places of assembly.
- (F) The maximum anticipated attendance at the event at any one time.
- (G) The provisions made for sanitary facilities for persons using the premises on which the temporary event is to be maintained.
- (H) A detailed description and documentation of plans and provisions for crowd control and security at the temporary event.
- (I) A site plan showing the location of all attractions, exits, sanitary facilities, fire alarms/life safety equipment, electrical connections to be used, stages or platforms to be erected, driveways to be used, and parking provided. In the case of a temporary special event, plans/diagrams/drawings of the building or structure to be used, showing the aforementioned items.

(J) Property owner permission to hold the event.

(Ord. No. 7043, § 1, passed 2-5-15; Ord. No. 7755, § 1, passed 11-21-19)

§ 110.43 Insurance.

- (A) The applicant shall furnish evidence with the application that a commercial general and auto liability insurance policy shall be in force and effect at the time such temporary event is to be open to or maintained for public access. Said insurance policy shall maintain limits no less than:
 - (1) Commercial general liability: \$1,000,000.00 combined single limit per occurrence for bodily injury, personal injury and property damage.
 - (2) Commercial Automobile liability: \$1,000,000.00 combined single limit per accident for bodily injury and property damage. Required only when the use of vehicles is associated with the temporary event.
 - (3) Workers' compensation and employers' compensation limits as required by the ~~Labor Code of the State of Illinois~~ State Law and Employers' Liability limits of \$ 1,000,000.00 per accident.

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- (B) The policies are to contain, or be endorsed to contain, the following provisions for general liability and automobile liability coverages:
- (1) The village, its officials, employees and volunteers are to be covered as insured as respects; liability arising out of activities performed by or on behalf of the applicant; products and services of the applicant; premises owned, leased or used by the applicant; or automobiles owned, leased, hired or borrowed by the applicant. The coverage shall contain no special limitations on the scope of protection afforded to the village, its officials, employees or volunteers.
 - (2) The applicant's insurance coverage shall be primary insurance as respects the village, its officials, employees and volunteers. Any insurance or self-insurance maintained by the village, its officials, employees or volunteers shall be excess of applicant's insurance and shall not contribute with it.
 - (3) Any failure to comply with the reporting provisions of the policies shall not affect coverage provided to the village, its officials, employees or volunteers.
 - (4) Coverage shall state that applicant's insurance shall apply separately to each insured against whom claim is made or suite is brought, except with respect to the limits of the insurer's liability.
- (C) The applicant agrees upon receipt of a permit to indemnify, defend and hold harmless the Village of Lombard, its officers, agents, employees, representatives and their assigns, from any and all claims, lawsuits or other liabilities directly or indirectly arising from, in consequence of, or in reference to the permit granted. In connection with any such claims, lawsuits or liabilities, the village, its officers, agents, employees, representatives and their assigns, have the right to defense of counsel of their choice. The applicant shall be solely liable for all costs of such defense and for all expenses, fees, judgments, settlements and all other costs arising out of such claims, lawsuits or liabilities.
- (D) If alcoholic beverages will be consumed or sold at the temporary event, dram shop insurance, as required by Section 112.18(A)(17) or Section 112.18(B)(3) of this Code, shall be required.

(Ord. No. 7043, § 1, passed 2-5-15; Ord. No. 7755, § 1, passed 11-21-19)

§ 110.44 Bond.

- (A) The applicant, prior to the issuance of any permit hereunder, shall deposit with the village treasurer a cash bond in the sum of \$500.00 for an event of three days or less, or \$1,000.00 for an event of more than three days to ensure that no damage will be done to the street, sewers, trees or adjoining property and that no dirt, paper, litter, or other debris will be permitted to remain upon the streets, adjoining property, or the site of the temporary event. Such cash bond shall be returned to the applicant upon certification by the Building Commissioner, or their designee, that all conditions of this Chapter have been complied with upon the termination and vacation of the event.
- (B) Any applicant whose place of business or operation is located within the corporate limits of the village; and is therefore accessible to village enforcement personnel in the event damage results from the temporary event, for which a permit has been issued under the provisions of this Chapter; whose application discloses that such applicant will sponsor and/or operate the temporary event, shall be exempt from the cash bond requirement contained in this Section.

(Ord. No. 7043, § 1, passed 2-5-15; Ord. No. 7755, § 1, passed 11-21-19)

§ 110.45 Fees.

- (A) The applicant, at the time of filing an application, shall pay to the Village Treasurer a ~~permit~~-fee or fees at the rate of \$230.00 for the first 15 attractions plus \$15.00 for each additional attraction per calendar day during which the circus or carnival is to be maintained and operated.
- (B) The applicant, at the time of filing an application, shall pay to the Village Treasurer a permit fee or fees at the rate of \$75.00 per calendar day during which the temporary outdoor cafe, or temporary outdoor sale or auction, or temporary special event, is to be maintained and operated. For temporary outdoor sales or auctions in the B5 Central Business District zoning designation the applicant shall pay a fee at the rate of \$75.00 per event.
- (C) The applicant, at the time of filing an application, shall pay to the Village Treasurer a permit fee or fees at the rate of \$30.00 per calendar week during which a seasonal outdoor garden sale is to be maintained and operated.
- (D) Depending on the anticipated event attendance and type of event, village personnel and services, including, but limited to, Police, Fire, Public Works or Community Development, may be required at a temporary event. Charges for all village personnel and services involved during the day(s) of the temporary event and in the preparation of the temporary event will be charged to the ~~event sponsor~~ (permit applicant). The village shall determine the number of personnel and the level of services necessary to ensure the safety of participants and to minimize the impact of the event on village operations and resources.
- (E) Any not-for-profit fraternal, charitable, religious, governmental or civic organization, may in its application request waiver of permit fees hereunder. The Village Manager or their designee may waive the permit fees for such not-for-profit applicants whose application discloses that such organizations will sponsor or operate the temporary event. Attraction fees for carnivals and circuses shall not be waived.
- (F) Overtime inspection fees and re-inspection fees shall be assessed per Section 150.141.

(Ord. No. 7043, § 1, passed 2-5-15; Ord. No. 7366, § 1, passed 5-4-17; Ord. No. 7755, § 1, passed 11-21-19)

§ 110.46 Inspection.

The Village Fire Chief and/or Community Development Director ~~Community Development Direc~~, or their designee(s), and as deemed appropriate and except where otherwise noted, shall make reasonable inspections to determine if the following conditions are met:

- (A) Adequate aisles for pedestrians, and fire separation between structure, attractions and sales areas;
- (B) Sufficient exits, marked and properly lighted;
- (C) Adequate wiring on all electrical fixtures;
- (D) Proper safeguarding of the use of any open flames;
- (E) Arrangements for the proper servicing of all areas where debris may be expected to accumulate;
- (F) All combustible decorative materials, including curtains, streamers, and cloth are rendered fireproof;
- (G) Satisfactory sanitary facilities on or near the premises on which the temporary event is to be maintained, sufficient for the public;
- (H) Adequate traffic circulation and parking provisions for patrons.

- (I) Noise levels are controlled so as not to become a nuisance to adjacent uses. At no point on the boundary of a residence district, as defined in § 155.802, shall the sound intensity level exceed the levels adopted by the Illinois Pollution Control Board, Title 35, Subtitle H, Chapter 1, Part 900 of the Illinois Administrative Code;
- (J) Adequate security and crowd control as determined by the Chief of Police or their designee;
- (K) Adequate traffic control at all entrances to public streets as determined by the Chief of Police, or their designee;
- (L) Adequate sanitation facilities and maintenance of all animals part of or associated with the circus or carnival.
- (M) Lighting does not intrude upon adjacent residential properties
- (N) All applicable village codes and ordinances are being complied with relative to the temporary event.

Each permit issued hereunder shall contain the provision that police, fire, and other authorized officials of the village shall have the right to free access to the grounds and all buildings, structures, booths, shows, and concessions, and any other attractions on such grounds to inspect and enforce compliance with the provisions of this Chapter.

(Ord. No. 7043, § 1, passed 2-5-15; Ord. No. 7755, § 1, passed 11-21-19)

§ 110.47 Issuance of permit.

- (A) The Community Development Director, or their designee, shall make a report of the inspection to the Village Manager, who shall issue such permit if the report shows compliance with the provisions of this Chapter and the application otherwise meets all the requirements of this Chapter.
- (B) No more than four permits shall be issued for a single parcel of property within the same calendar year. In the case of seasonal outdoor garden sales, not more than two permits shall be issued for a single parcel of property with the total period of both permits not to exceed four months, within the same calendar year. Any organization may in its application request an increase in the number of the permits hereunder. The President and Board of Trustees may increase the number of permits authorized for such applicant.
- (C) In no case shall a permit be issued for a single parcel of property such that the first day a permit is valid falls within three consecutive days of the terms of a previously issued permit.
- (D) In the case of carnivals and circuses, no permit may be renewed and no permit may be issued for more than ten (10) consecutive days. In the case of temporary outdoor cafes, temporary special events, and of temporary outdoor sales or auctions, no permit may be renewed and no permit may be issued for more than thirty (30) consecutive days for on-premises events, meaning events to sell or promote the goods or services of the business where the event is held. Off-premises events, meaning events to sell or promote the goods or services of a business other than the business where the event is held, may be issued a permit for no more than three (3) consecutive days. In the case of seasonal outdoor garden sales, no permit may be renewed and no permit may be issued so as to allow the seasonal outdoor garden sales to take place for more than four (4) months during the same calendar ~~v~~earyear.
- (E) Any organization may in their application request an extension of the permit term hereunder. The President and Board of Trustees may increase the permit term authorized for such applicants.
- (F) If applicable, all license and licensing requirements applicable pursuant to other provisions of this Code must be satisfied prior to the issuance of the permit.

(Ord. No. 7043, § 1, passed 2-5-15; Ord. No. 7755, § 1, passed 11-21-19)

§ 110.48 Revocation of permit.

- (A) Any permit issued hereunder may be revoked by the Village Manager upon any finding by the Police Chief, Fire Chief, Building Commissioner or other authorized official of the village that any provision of this Chapter has been violated or that any other ordinance of the village or statute of the State of Illinois has been violated. Upon the finding of any such violation the Village Manager shall cause written notice of the revocation stating the reason therefore to be served upon the permittee, his authorized agent, or the manager of such temporary event. Immediately upon receipt of a written notice of revocation, the permittee shall cease all operations.
- (B) If during any inspection the Fire Chief, or their designee finds any attraction to pose a danger to public safety, the Fire Chief, or their designee at their discretion may immediately terminate the operation of said attraction until such time as the danger is abated. Failure to abide by the order of the Fire Chief, or their designee to terminate operation of said attraction shall be a violation of the permit provisions and shall result in the revocation of the permit for the entire event.
- (C) Any permittee whose permit has been revoked or whose attraction has been terminated may, within ten days of the receipt of notice thereof, appeal to the President and Board of Trustees of the village for a hearing thereon. If no such appeal is taken within ten days as provided herein, the action of the Village Manager is final.

(Ord. No. 7043, § 1, passed 2-5-15; Ord. No. 7755, § 1, passed 11-21-19)

§ 110.49 Prohibitions.

No permittee shall:

- (A) Set up, permit, or operate any gambling device.
- (B) Set up, permit, or operate any lewd, lascivious, or indecent show or attraction making an indecent exposure of the person or suggesting lewdness or immorality.

(Ord. No. 7043, § 1, passed 2-5-15; Ord. No. 7755, § 1, passed 11-21-19)

§ 110.60 Carnivals, amusement rides and amusement attractions.

The following regulations shall be applicable to carnivals, amusement rides and amusement attractions:

(A) *Definitions:* As used in this section, the following words and terms shall have the meaning as set forth below:

Amusement attraction: An enclosed building or structure, including electrical equipment which is an integral part of the building or structure, through which people walk without the aid of any moving device, and which provides amusement, thrills or excitement at a fair or carnival.

Amusement ride: Any mechanized device or combination of devices, including electrical equipment which is an integral part of the device or devices, which carries passengers along, around, or over a fixed or restricted course for the primary purpose of giving its passengers amusement, pleasure, thrills or excitement, including, but not limited to, the following devices:

- (1) Any ski lift, rope tow or other device used to transport passengers;
- (2) Any dry slide over 20 feet in height, alpine slide or toboggan slide;
- (3) Any tram, open car or combination of open car(s) or wagon(s) pulled by a tractor or other motorized device, which is not licensed by the Secretary of State; which may, but does not necessarily follow, a fixed or restricted course, and is used primarily for the purpose of giving its passengers amusement, pleasure, thrills or excitement, and for which an individual fee is charged or a donation accepted, with the exception of hayrides.

Carnival: An enterprise that offers amusement or entertainment to the public by means of one or more amusement attractions or amusement rides, and/or a circus.

Circus: An enterprise involving arenas, tents or other structures temporarily set up for sports, spectacles, variety shows, wild animal acts and/or performance by jugglers and clowns.

Fair: An enterprise principally devoted to the exhibition of products of agriculture or industry in connection with which amusement rides or amusement attractions are operated, and/or a circus is operated.

Operator: A person, or the agent of a person, who owns or controls or has the duty to control the operation of any amusement ride or an amusement attraction at a carnival or fair.

~~*Local not for profit organization:* An organization, institution or its Chapter, or governmental entity that has had a fixed place of operations within the village for at least two years and conducts business on a not for profit basis with no personal profit to anyone as a result of the operation.~~

Midway arcade games and attractions: Such amusements, attractions, games, apparatus and attention getting devices as generally associated with and permitted as adjunct to a carnival or fair.

Food and beverage vending: Any and all facilities and equipment which vend and/or distribute food and/or beverage for public consumption.

Transient living quarters: Mobile homes, campers and other vehicles or trailers specifically designed with solid walls and roofs to provide independent personal sleeping and sanitation facilities.

Local sponsoring applicant: A local entity, including businesses, within the boundary of the village that sponsor a carnival or fair in consort with the timing of a special or community wide event.

(B) *Permit required*

- (1) No amusement ride, amusement attraction, midway arcade, games and attractions, and/or food and beverage vending shall be operated in conjunction with a carnival or fair in the village, without first having been issued a permit from the State of Illinois' Director of Labor or the Du-Page County Health

Department, as this case may be, and without receiving a village carnival/fair permit from the ~~Fire Chief~~Building Commissioner or ~~his/her~~their designee, for the operation of such carnival or fair.

- (2) No permit issued hereunder may be renewed, and no permit issued hereunder may be issued for a period of more than ten (10) consecutive calendar days, unless authorized by the President and Board of Trustees.
- (3) Any permit issued hereunder may be revoked by the ~~Fire Chief~~Village Manager or ~~his/her~~their designee upon any finding by the Police Chief, Fire Chief, Fire Marshal, Building ~~Inspector~~Commissioner, Electrical Inspector, Fire Inspector or other authorized village official that any provisions of this section have been violated by the permittee or that any other ordinance of the village or statute of the State of Illinois has been violated by the permittee. Upon the finding of any such violation, the ~~Fire Chief~~Village Manager or ~~his/her~~their designee shall cause written notice of the revocation, stating the reason therefore, to be served upon the permittee, ~~his~~their authorized agent, or the operator of such carnival or fair. Immediately upon receipt of a written notice of revocation, the permittee shall cease all operations prohibited by said notice until the violation is corrected.
- (4) Any permittee whose permit has been revoked or whose amusement attraction or amusement ride has been terminated may, upon receipt of written notice of revocation or termination, appeal for an immediate hearing with the President and Board of Trustees of the Village~~Village Manager~~. If no such appeal is taken, as provided herein, the action of the ~~Fire Chief~~Village Manager or ~~his/her~~their designee is final.

(C) *Application*

- (1) Application for such carnival/fair permit shall be made to the ~~Fire Chief or his/her designee~~Building Division, in writing, on a form provided by the village. Said application shall contain pertinent local sponsoring applicant and operator information, the location of the carnival or fair, and the dates & hours of operation. The local sponsoring applicant and operator of such carnival or fair shall, as part of said application document, stipulate that no individual employees, independent contractors and/or employees of independent contractors is a "child sex offender" as described by the State of Illinois Statute 720 ILCS 5/11-9.3[c](1) and as may similarly be applicable to and by other law enforcement jurisdictions throughout the United States. The local sponsoring applicant(s) and/or operator(s) ~~may~~ shall provide the Village of Lombard Police Department's designee with a comprehensive list of all employees, independent contractors, employees of independent contractors and/or volunteer workers. Such list to incorporate the full name, date of birth, social security number, and permanent mailing address of each individual. The purpose of said list shall be to determine the background(s) and explicitly prohibit such individual(s) who is (are) "child sex offender" as described by the State of Illinois Statutes 720 ILCS 5/11-9.3[c](1) and as may similarly be applicable to and by other law enforcement jurisdictions throughout the United States; and, therein prohibit their employment and use at said carnival(s) or fair(s). It is herein stated to the local sponsoring applicant(s) and operator(s) of carnivals and fairs within the Village of Lombard that the State of Illinois Statutes 720 ILCS 5/11-9 (et al) in pertinent part prohibits registered sex offenders from "...knowingly operating, managing, being employed by, volunteering at, being associated with, or knowingly being present at any facility providing programs or service...directed towards persons under the age of ..."; and, therefore local sponsoring applicant(s) and operator(s) compliance to this Statute is being emphasized and shall be rigidly enforced by the Village of Lombard.
- (2) No application shall be accepted without a local sponsoring applicant as herein defined and listed on said application form.

(D) *General requirements*

- (1) *Insurance*: The applicant and operator shall furnish evidence, with the application, that a public liability and insurance policy shall be in force and effect at the time such carnival or fair is to be open to or

maintained for public access. Said insurance policy shall maintain limits no less than set forth below and shall list the village and its officers, agents and employees as additional insured and as certificate holder:

- (a) ~~Comprehensive-Commercial~~ general liability: \$1,000,000.00 combined single limit per occurrence for bodily injury or death, personal injury and property damage.
- (b) ~~Commercial~~ Automobile liability: \$1,000,000.00 combined single limit per accident for bodily injury and property damage on any operator owned and/or hired and/or non-owned motor vehicles engaged in operations relative to the carnival or fair.
- (c) Workers' compensation and employers' compensation limits as required by the Illinois State law and Employers' Liability limits of \$ 1,000,000.00 per accident.

The policies are to contain, or be endorsed to contain, the following provisions for general liability and automobile liability coverages:

- (ed) The village, its officers, agents and employees are to be covered as insured with respects; liability arising out of activities performed by or on behalf of the applicant; products and service of the applicant; premises owned, leased or used by the applicant; or automobiles owned, leased, hired or borrowed by the applicant. The coverage shall contain no special limitations on the scope of protection afforded to the village, its officers, agents, or employees.
 - (ee) The applicant's insurance coverage shall be primary insurance with respect to the village, its officers, agents or employees. Any insurance or self-insurance maintained by the village, its officers, agents or employees shall be excess of applicants insurance and shall not contribute with it.
 - (ef) Any failure to comply with the reporting provisions of the policies shall not affect coverage provided to the village, or its officers, agents or employees.
 - (gf) Coverage shall state that applicant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
- (2) *Indemnification:* The applicant and operator shall agree upon receipt of a permit issued pursuant to this section to indemnify, defend and hold harmless the village, its officers, agents and employees, from any and all claims, lawsuits or other liabilities directly or indirectly arising from, in consequence of or in reference to the permit granted. In connection with any such claims, lawsuits or liabilities, the village, and its officers, agents and employees shall have the right to defense of counsel of their choice. The applicant shall be solely liable for all costs of such defense and for all expenses, fees, judgments, settlements and all other costs arising out of such claims, lawsuits or liabilities.
 - (3) *Bond:* The applicant or Operator, prior to the issuance of any permit hereunder, shall deposit with the Village Treasurer a cash bond in the sum of \$500.00 for an event of ~~seven-three~~ days or less, or \$1,000.00 for an event of more than ~~seven-three~~ days, to ensure that no damage will be done to the street, sewers, trees or adjoining property and that no dirt, paper, litter or other debris will be permitted to remain upon the streets, adjoining property, or the site of the Carnival or Fair. Such cash bond shall be returned to the applicant upon confirmation by the Fire Chief Building Commissioner, or their designee, that all conditions of this section shall have been complied with upon the termination and vacation of the Carnival or Fair.
 - (4) *Child sex offender prohibition:* No permit required by this § 110.560 (C) shall be issued to an operator in the event that a check of the employees, independent contractors and employees of independent contractors listed by the operator, as required by § 110.560 (C) above, reveals that one or more of said listed individuals is a "child sex offender" as defined by 720 ILCS 5/11-9.3(c)(1).

(E) *Inspection required*

- (1) An amusement ride or amusement attraction shall be inspected by the Fire Chief or ~~his/her~~their designee, and thereafter may be periodically reinspected throughout the duration of the carnival or fair.
- (2) If, after inspection, the carnival or fair is found to comply with the regulations of this section, as well as comply with all other applicable village codes and ordinances, the ~~Fire Chief~~Building Commissioner or ~~his/her~~their designee shall issue a permit for the operation of the carnival or fair.
- (3) If, after inspection, an amusement ride or amusement attraction is found to be in violation of the rules and standards set forth by the State of Illinois' Carnival and Amusement Rides Safety Act 430 ILCS 85/2-1 et seq., or the currently adopted Village of Lombard Building Codes: including but not limited to the National Electric Code and the Fire Prevention Codes; the ~~Fire Chief~~Building Commissioner or ~~his/her~~their designee may order and post any amusement ride or amusement attraction with a stop operation order notice. Operation shall not resume until such violative condition(s) are corrected to comply with such rule(s) and standard(s).
- (4) A reinspection of the amusement ride or amusement attraction, following repair, shall be done within one business day of notification that the repair was made. Only the ~~Fire Chief~~Building Commissioner or ~~his/her~~their designee may remove, deface or cover a stop operation order sticker after it has been applied to any amusement ride or amusement attraction.
- (5) All midway arcade games and attractions operated in conjunction with the carnival or fair shall be subject to inspections as provided for by the Village of Lombard local ordinance(s) and provision(s) of the State of Illinois. The Police Chief or ~~his/her~~their designee(s) shall conduct such inspection(s) to ensure equitable amusement is afforded in the operations of said midway arcade games and attractions as operated at the carnival or fair.

(F) *Daily inspections by the operator*

- (1) The amusement rides and amusement attractions shall be inspected and tested on each day they are intended to be used. A trained attendant shall make this inspection and the results of these daily inspections shall be recorded on industry approved forms. Completed inspection forms shall be certified by the operator and kept on file by the operator for one calendar year. These inspection records shall be made available to the ~~Fire Chief~~Building Commissioner or ~~his/her~~their designee throughout the duration of the Carnival or Fair.
- (2) The inspection and testing of the amusement rides and amusement attractions shall include the operation of control devices, speed limiting devices, brakes, anti-roll back dogs and other equipment provided for safety. The amusement ride shall be operated through a minimum of one ride sequence when inspected and tested.

(G) *Fees*

- (1) The applicant, at the time of filing an application, shall pay to the Village Treasurer a fee or fees at the rate of ~~\$230~~150.00 for the first 15 amusement rides, amusement attractions, midway arcade games and attractions and/or food and beverage vending locations plus ~~\$105~~05.00 for each additional amusement ride, amusement attraction, midway arcade games and attractions and/or food and beverage vending locations over 15, per calendar day during which the carnival or fair is to be maintained and operated.
- ~~(2) A local not-for-profit organization as defined herein serving as the local sponsoring applicant relative to the carnival or fair shall not be subject to the fees herein stated.~~
- ~~(3) Overtime inspection fees and re-inspection fees shall be assessed per Section 150.141.~~

~~Following one reinspection, a fee of \$70.00 per item subject to reinspection shall be paid to the Village Treasurer or to the Fire Chief or his/her designee, if the village hall is not open. A written receipt shall be provided. A local not for profit organization serving as the local sponsoring applicant shall not be exempt from this reinspection fee. The operator or said local not for profit organization shall be required to make said payments upon and at the time of such reinspections.~~

(H) *Operator requirements*

No amusement ride or amusement attraction shall be operated for public use at a carnival or fair without an attendant or assistant. The attendant and/or assistant shall be an employee of the operator or an independent contractor that has been hired by, and is under the control of, the Operator. Additionally:

- (1) All ride attendants or assistants shall be at least 16 years of age;
- (2) The attendants or assistants shall operate no more than one amusement ride or amusement attraction at any given time, even if automatic timing devices are used to control the time cycle of the amusement ride or amusement attraction;
- (3) The attendant or assistant shall be trained in the proper use and operation of the amusement ride or amusement attraction as provided for in ASTM F770-82 (1982) and ASTM F853-83 (1983);
- (4) The attendant or assistant shall ensure that all passenger safety devices are in place around patrons before starting operations of the amusement ride or amusement attraction;
- (5) The attendant or assistant shall be within arm's length of the controls which operate the amusement ride or amusement attraction when the ride or amusement attraction is in use;
- (6) The attendant or assistant shall not operate any amusement ride or amusement attraction while under the influence of alcohol or any drug or combination thereof;
- (7) The attendant or assistant shall ensure that no one is permitted on an amusement ride or amusement attraction while carrying any food, beverage, package, lighted cigarette or such other items that can endanger the riders or spectators;
- (8) No carnival or fair shall have operating hours other than in compliance with the following: a public starting time of noon; a ticket selling time beyond 10:30 p.m.; and a public ending time beyond 11:00 p.m.; except for Fridays, Saturdays and days preceding recognized State Holidays on which the ticket selling time and public ending time may be extended one hour; and
- (9) The operator and the local sponsoring applicant shall not permit transient living quarters on the carnival or fair site or adjacent property under the control of the local sponsoring applicant. Additionally, no overnight stays of any kind shall be allowed on the carnival or fair site or on adjacent property under the control of the local sponsoring applicant.
- (10) Operator and/or the local sponsoring applicant shall provide restrooms for the carnival or the fair. The requirement for restrooms may be met by fixed site facilities available to workers and the public or portable restroom facilities (porta-potties) and hand wash stations associated with the event as long as they are open to all attending or working at the carnival or fair. Restroom facilities and hand wash stations for carnivals and fairs shall be provided based upon the following schedule:

Number of Amusement Rides and Attractions	Male Restroom Facilities	Female Restroom Facilities	Hand Wash Stations
1-10	1	1	1
11-15	2	2	2
16-20	2	3	2
21-30	3	4	3

Over 30—one additional male restroom facility, one additional female restroom facility and one additional hand wash station for every five additional amusement rides and amusement attractions or portion thereof over 30 total. One of each of the restroom facilities has to be handicapped accessible.

- (11) The operator and/or the local sponsoring applicant of a carnival or fair shall provide an adequate number of refuse containers. The refuse containers shall be emptied at appropriate intervals to prevent overflowing. The operator and/or local sponsoring applicant shall make arrangements with the village's authorized waste hauler to dispose of the waste.
- (12) The operator or the local sponsoring applicant of a carnival or fair shall be required to provide security personnel in adequate numbers to ensure the safety of all patrons and workers, taking into consideration the expected attendance and the geographical size of the carnival or fair. At no time shall less than two security personnel be present upon the premises of the Carnival or Fair.

(I) *Attachments*

A copy of this ~~§ 110.50~~ and all forms shall be provided at no charge to anyone requesting an application Form for a permit to operate a carnival or fair within the Village of Lombard.

(J) *Penalty*

A person, firm or corporation violating any provision of this section shall be fined not less than \$100.00 nor more than \$750.00 for each offense; and a separate offense shall be deemed committed on each day on which a violation occurs or continues.

(Ord. 5285, passed 5/1/03)