




MEMORANDUM

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

FROM: Jennifer Ganser, AICP, Assistant Director 

MEETING DATE: October 14, 2019

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

Staff has reviewed Article III, Section 110.40 of Village Code regarding Temporary Events. In the review, staff found the need for certain text amendments. This was also reviewed with Village Counsel. Many are for clarity purposes. The Code edits do allow the Village Board to make deviations to the Code by a roll call vote for items on permit number per year or and number of days per event. Staff reviewed the temporary events for previous years to suggest Code amendments to make the process easier for applicants and more designed for the type of events we receive applications for.

What is a temporary event or special event?

A temporary event is something that cannot be done by right under the business' current Certificate of Occupancy. Many things are classified as a temporary event. Examples include:

- Races on the public rights-of-way (races on private property, like Park District property only do not require a permit with the Village).
- Tent sales or outdoor garden sales at Dick's Sporting Goods or Jewel – these businesses do not have a conditional use for outside sales of items. As their outside sales are temporary, they go thru the temporary event permit process instead of a zoning process.
- Festivals like German Fest, Spooktacular, Arts and Craft Fair
- Events with tents over 400 square feet (inspections are required)
- Fireworks at Glenbard East homecoming or at the Westin for weddings

Permit fees

Permit fees have not be reviewed in over twenty years. Similar with Plan Commission and Building Permit Fees, temporary event permit fees were increased by a rate matched to the CPI.

Code already allows for non-profit groups to petition directly to the Village Manager for a permit fee waiver. This permit fee waiver does not apply to other fees that could be assessed such as overtime inspections, Police Services, or Public Works services. Though there is not a waiver for that process, staff works with applicants to make the process cost effective.

Event Days

This is the most common request for variation. Special events were limited to three days, four times a year. Staff has received requests from Dick's Sporting Goods, as an example, to hold their

tent sale for more than three days. This request would need to be approved by the Board. Staff is proposing a change. Events would be limited to four per year, however, the max days would be thirty. An applicant could hold one event for thirty days or four events, for thirty days total. Staff hopes this flexibility will help applicants in coming years.

ACTION REQUESTED

Staff requests the ECDC review the proposed changes and make a recommendation vote to the Village Board. Staff is still working with the Village Attorney to make edits to the Code and note that additional corrections would be for clarity.

ARTICLE III. - TEMPORARY EVENT¹¹

Footnotes:

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Editor's note— 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.

§ 110.40 - 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. 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 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.

Temporary outdoor sales or auctions: The sale and delivery of goods to the public for no more than a threethirty-day 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.

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

§ 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)

§ 110.42 - Application.

The applicant for such permit shall file an application in writing with the Department of Community Development at least twenty (20) days prior to the proposed date of the opening of the proposed temporary event to the public. ~~The which~~ 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.

(Ord. No. 7043, § 1, passed 2-5-15)

§ 110.43 - Insurance.

- (A) The applicant shall furnish evidence with the application that a public-commercial general and auto liability ~~and~~ 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) ~~Comprehensive-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 and Employers' Liability limits of \$1,000,000.00 per accident.
- (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~~ 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~~ 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) of this Code, shall be required.

(Ord. No. 7043, § 1, passed 2-5-15)

§ 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 ~~Chief of Police~~ 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)

§ 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 ~~\$450~~ \$230.00 for the first 15 attractions plus \$105.00 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 ~~\$50~~ \$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 ~~\$50~~ \$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 ~~\$230~~ \$230.00 per calendar week during which ~~the seasonal sale of 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, ~~p~~Police, ~~F~~ire, ~~p~~Public ~~w~~orks or ~~e~~Community ~~d~~evelopment, may be required at an 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, ~~organization or other~~ charitable, religious, governmental or civic organization, ~~except those whose primary purpose is to make a profit,~~ may in ~~their~~ its application request waiver of permit fees hereunder. The Village Manager or ~~his~~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.

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

§ 110.46 - Inspection.

The Village Fire Chief and/or Community Development Director, or ~~his/her~~ 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)

§ 110.47 - Issuance of permit.

- (A) ~~The Village Fire Chief, or other designated village official,~~ 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 ~~party 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. In the case of an entity which holds a Class "P" liquor license, a single permit shall be issued each year, covering the entire Chicago Bears football season, relative to the events held pursuant to the class "P" liquor license during said Chicago Bears football season. ~~In the case of an entity which holds a Class "J" liquor license, pursuant to subsection 112.18(B)(6) of this Code, a single permit shall be issued for September 22, 2013 and November 4, 2013, relative to the viewing events held in conjunction with said Class "J" liquor license and associated with a Chicago Bears viewing event.~~
- (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~~ 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 ~~three~~ thirty (30) consecutive days. ~~In the case of seasonal outdoor garden sales, no permit may be renewed and no permit may be issued for so as to allow the seasonal outdoor garden sales to take place for more than a three-month period~~ four months during the same calendar year.
- (E) Any organization may in their application request an extension of the permit term hereunder. The President and Board of Trustees may ~~extend~~ increase the permit term authorized for such applicant, ~~s whose application discloses that such organizations will sponsor or operate the temporary event. In the event that an application is received by the village for approval of a temporary event exceeding the time limits set forth herein but prior to the next scheduled Village Board meeting, the village may grant a time extension for the temporary event provided that approval is granted by the Village Manager, Director of Community Development, Village President and the Village Trustee of the district in which the temporary event is scheduled to be held.~~
- (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)

§ 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 Official 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 ~~his~~ their designee finds any attraction to pose a danger to public safety, the Fire Chief, or their designee at ~~his~~ 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)

§ 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)