

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) _____
Waiver of First Requested
Recommendations of Boards, Commissions & Committees (Green) _____
Other Business (Pink) _____

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: November 8, 2006 (B of T) Date: November 16, 2006

TITLE: Code Amendment - Special Event Approval Process

SUBMITTED BY: The Department of Community Development
GTH

BACKGROUND/POLICY IMPLICATIONS:

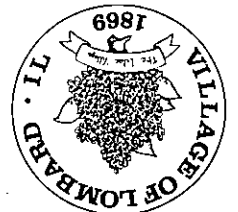
The Economic and Community Development Committee through the Department of Community Development transmits for your consideration an ordinance amending Title 11, Chapter 110, Section 110.47 of the Lombard Village Code in regard to the issuance of temporary event permits.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____
Finance Director X _____
Village Manager X (W. T. Lichter) _____
Date _____
Date _____
Date 11/9/06

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Assistant Village Manager/Director of Community Development
DH

DATE: November 16, 2006

SUBJECT: Code Amendment – Temporary/Special Event Approval Processes

At the November 7, 2006 Economic and Community Development Committee (ECDC) meeting, the members discussed and recommended that the Village Board approve text amendments to Section 110.4 of the Village Code pertaining to the approval process for Temporary or Special Events. Specifically, the amendment provides for an alternate method of approval of a temporary event if no Board meeting is held between the event application date and the date of the event itself. The amendment codifies past procedures followed by staff and/or Board members when such an instance occurs.

ACTION REQUESTED

The ECDC recommends that the Village Board approve the proposed text amendments to Section 110.4 of the Village Code pertaining to Temporary Events.



MEMORANDUM

TO: Richard Soderstrom, Chairperson
Economic and Community Development Committee

FROM: David A. Hulseberg, AICP
Assistant Village Manager/Director of Community Development

DATE: October 2, 2006

SUBJECT: Code Amendment – Special Event Approval Processes

Section 110.4 of the Village code establishes regulations relative to Temporary or Special Events. Within this Section are the provisions for approval of such events (Section 110.47). This subsection set specific limitations on the length of time a temporary event permit can be held. It also sets forth provisions for the Village Board to extend the time limit of such permits.

Over the past couple of years, staff has received permit applications that exceed the prescribed time limitations set forth in the code. When advance notice of the event is provided by the applicant, staff has placed the time extension request on the next available Village Board agenda. However, staff has also encountered a few occasions in which the event will commence before the next Board agenda. Absent an automatic denial of the time extensions, staff is recommending an amendment to the temporary event permit provisions that provides for an alternate method of approval of a temporary event if no Board meeting is held between the application date and the date of the event itself. This situation has usually occurred during the summer months, when the Village Board frequently cancels one or two Board meetings.

The proposed amendment would provide for approval of a time extension provided that approval is granted by the Village Manager, Director of Community Development, the Village President and the Village Trustee of the district in which the temporary event is to be located. This process is not intended to substitute for a full Board approval but rather to provide a process for approving time sensitive applications. In the past, staff has followed this procedure, but staff recommends that this process be codified.

ACTION REQUESTED

Staff requests that the Economic and Community Development Committee consider the proposed text amendment to Section 110.47 pertaining to approvals of temporary events and offer a recommendation of approval of the amendments.

Proposed Text Amendments
Noted below are the proposed amendments to Section 110.4 of the Village Code pertaining to Temporary/Special Events. While the proposed code amendments are only found in Section 110.47, staff is providing a copy of the full sections of Section 110.4 for reference purposes. Proposed additions are underlined and deletions are noted in ~~strike~~through.

TEMPORARY EVENT

§ 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.

CARNIVAL: An aggregation of attractions, whether conducted under one or more managements or independently, which are temporarily set up and conducted in a public place or upon any private premises accessible to the public, with or without admission fee, and which from the nature of the aggregation attracts attention and causes intermingling.

CIRCUS:

(A) Amusements, including carnivals, involving arenas, tents, or other structures temporarily set up for sports, spectacles, variety shows, wild animal acts, or performances by jugglers and clowns.

(B) Notwithstanding the provisions of this chapter **CARNIVAL** and **CIRCUS** do not include any aggregations of attractions or amusements which:

(1) Are conducted entirely within and upon no more than one residential-zoned lot, or

(2) Are conducted entirely and exclusively within a permanent public building such as a school, civic center, or public auditorium.

SEASONAL OUTDOOR GARDEN SALES: The sale and delivery of garden materials, including live; flowers, trees, shrubs, vegetables, 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.

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 carnival, circus, temporary open air cafe, temporary outdoor sale or auction, 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 three-day period, not conducted within a completely enclosed building. Sale may include the offering of refreshments and entertainment accessory to the sale 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.

§ 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 Section 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.

§ 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 date of the opening to the public, which application shall specify:

(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.

§ 110.43 INSURANCE.

(1) 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.

(A) The applicant shall furnish evidence with the application that a public 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 General Liability: \$1,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage.

(2) Automobile Liability: \$1,000,000 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' Liability limits as required by the Labor Code of the State of Illinois and Employers' Liability limits of \$1,000,000 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 applicants 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 applicants 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 or, 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.

§ 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 (3) days or less, or \$1,000.00 for an event of more than three (3) 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 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. 3548, passed 5/21/92)

§ 110.45 FEES.

(A) The applicant, at the time of filing an application, shall pay to the Village Treasurer a fee or fees at the rate of One Hundred Fifty (\$150) Dollars for the first 15 attractions plus Ten (\$10) Dollars 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 fee or fees at the rate of Fifty (\$50) Dollars 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.

(C) The applicant, at the time of filing an application, shall pay to the Village Treasurer a fee or fees at the rate of Twenty (\$20) Dollars per calendar week during which the seasonal sale of seasonal Outdoor Garden Sale is to be maintained and operated.

(D) Any not-for-profit fraternal organization or other charitable, religious, or civic organization, except those whose primary purpose is to make a profit, may in their application request waiver of fees hereunder. The Village Manager or his designee may waive the fees for such not-for-profit applicants whose application discloses that such organizations will sponsor or operate the temporary event.
(Ord. 4055, passed 7/20/95)

§ 110.46 INSPECTION.

The Village Fire Chief, 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 as determined by the Department of Community Development.
 - (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 prescribed in §155.419 (A-1);
 - (J) Adequate security and crowd control as determined by the Chief of Police;
 - (K) Adequate traffic control at all entrances to public streets as determined by the Chief of Police;
 - (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, if any, as determined by the Department of Community Development.
- 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.

§ 110.47 ISSUANCE OF PERMIT.

- (A) The Village Fire Chief, or other designated Village official, 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 (4) 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 (2) permits shall be issued for a single parcel of property, the total period of both permits not to exceed four (4) months, within the same calendar year.
- (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 (3) 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) 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 (3) days. In the case of Seasonal Outdoor Garden Sales, no permit may be renewed and no permit may be issued for more than a three month period.

(E) Any not-for-profit fraternal organization or other charitable, religious, or civic organization, except those whose primary purpose is to make a profit, may in their application request an extension of the permit term hereunder. The President and Board of Trustees may extend the permit term for such not-for-profit applicants 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.

§ 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 Inspector, Electrical Inspector, Code Administrator, 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 designee finds any attraction to pose a danger to public safety, the Fire Chief at his 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 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 (10) 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 (10) days as provided herein, the action of the Village Manager is final.

§ 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.
- (C) Operate or maintain for public assembly or patronage a circus or carnival between the hours of 11:00 p.m. and 11:00 a.m. Sunday to Thursday, and between the hours of 12:00 midnight to 11:00 a.m. Friday and Saturday.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 11, CHAPTER 110, SECTION 110.47 OF THE LOMBARD VILLAGE CODE IN REGARD TO THE ISSUANCE OF TEMPORARY EVENT PERMITS

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title 11, Chapter 110, Section 110.47 of the Lombard Village Code shall be amended to read in its entirety as follows:

§ 110.47 ISSUANCE OF PERMIT.

(A) The Village Fire Chief, or other designated Village official, 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 (4) 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 (2) permits shall be issued for a single parcel of party, the total period of both permits not to exceed four (4) months, within the same calendar year.

(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 (3) 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) 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 (3) days. In the case of Seasonal Outdoor Garden Sales, no permit may be renewed and no permit may be issued for more than a three month period.

(E) Any organization may in their application request an extension of the permit term hereunder. The President and Board of Trustees may extend the permit term for such applicants 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.

SECTION 2: That this ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed on first reading this _____ day of _____, 2006.

First reading waived by action of the Board of Trustees this _____ day of _____, 2006.

Passed on second reading this _____ day of _____, 2006, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2006.

William J. Mueller, Village President

ATTEST:

Brightie O'Brien, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2006.

Brightie O'Brien, Deputy Village Clerk