

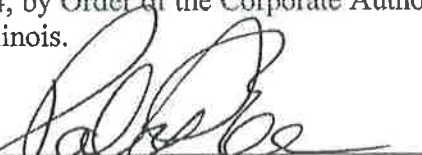
PAMPHLET
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ORDINANCE NO. 2014-O-032

**AN ORDINANCE AMENDING ARTICLE IX OF THE
TINLEY PARK MUNICIPAL CODE REGARDING SPECIAL EVENTS**

Published in pamphlet form this 7th day of October, 2014, by Order of the Corporate Authorities of the Village of Tinley Park, Cook and Will Counties, Illinois.

By:


Village Clerk

STATE OF ILLINOIS }
COUNTY OF COOK } SS.
COUNTY OF WILL }

CLERK'S CERTIFICATE

I, **PATRICK E. REA**, the duly elected and qualified Village Clerk of the Village of Tinley Park, Cook and Will Counties, Illinois, do hereby certify that attached hereto is a true and correct copy of the Ordinance now on file in my office, entitled:

ORDINANCE NO. 2014-O-032

**AN ORDINANCE AMENDING ARTICLE IX OF THE
TINLEY PARK MUNICIPAL CODE REGARDING SPECIAL EVENTS**

which was passed by the Board of Trustees of the Village of Tinley Park at a regular meeting held on the 7th day of October, 2014, at which meeting a quorum was present, and approved by the President of Tinley Park on the 7th day of October, 2014.

I further certify that the vote on the question of the passage of the said Ordinance by the Board of Trustees of the Village of Tinley Park was taken by the Ayes and Nays and recorded in the Journal of Proceedings of the Board of Trustees of the Village of Tinley Park, and that the result of the vote was as follows, to wit:

AYES: Seaman, Maher, Staunton, Leoni, Grady

NAYS: None

ABSENT: Hannon

I do further certify that the original Ordinance, of which the attached is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Tinley Park, this _____ day of _____, 2014.

By: 

Village Clerk

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WHEREAS, the Village of Tinley Park is a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, pursuant to said Section, the Village may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare; and

WHEREAS, the President and Board of Trustees find that the regulation of special events is a matter pertaining to the public health, safety, morals and welfare of the Village and its residents; and

WHEREAS, the President and Board of Trustees find it to be in the best interests of the Village and its residents to amend the Tinley Park Municipal Code with respect to special events, in furtherance of its home rule authority and as set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Tinley Park, Cook and Will Counties, Illinois, as follows:

Section 1: Article IX of the Tinley Park Municipal Code is hereby amended by adding new Chapter 105, "Special Events", which shall read as follows:

**CHAPTER 105
SPECIAL EVENTS**

§105.01 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 clearly 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 (1) conducted on the public way or property of the village, or (2) conducted on property open to the public other than the public way or property of the village and which will require the use of special village services. The term special event includes but is not limited to a festival, outdoor or sidewalk sale, race, farmers market, concert, parade, exhibition, carnival, circus, car show, or petting zoo. The term does not include block parties or events at permanent facilities dedicated to such purposes, and such events are not subject to or governed by this chapter.

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.

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 the Village or by a governmental entity with territory inside the corporate boundaries of the Village;
- 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.

§105.02 PERMIT REQUIRED AND PERMIT FEE

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 property of the village unless a permit allowing such activity has been obtained pursuant to this chapter.

C. The permit fee for issuance of a special event permit shall be based on the cost of special village services to be provided, as determined by the village pursuant to this Chapter. An initial estimate of this cost shall be determined and agreed upon before the permit is issued. The permit fee shall include this initially estimated amount plus the cost of any additional special village services provided by the village for the special event.

D. After a special event is over, the village shall issue the permittee a bill for the amount originally determined and agreed upon plus the cost of any special village services that were provided but were in addition to what was included in the initial estimate of the permit fee, and for any damage caused to public property. The permittee shall be responsible for payment of said bill within the time frame specified by the bill. In the event that such payment is not made in full in a timely manner, the Village may take necessary action to obtain such payment. The reasonable costs and attorneys' fees resulting from such action shall be added to the amount due and owing by the permittee. Failure to timely pay bills issued pursuant to this paragraph may result in denials of future permits.

E. All permits issued pursuant to this chapter are nontransferable and can only be used on the designated dates and times approved by the village.

§105.03 FILING OF APPLICATION

A. Any person wishing to secure a permit pursuant to this chapter shall submit an application to the Marketing Department, 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 and electronic mail address of the 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 Marketing Department no later than: (1) ninety (90) days prior to the date the event is scheduled to begin for a new event (i.e., an event for which no permit has been issued before); or (2) forty five (45) days prior to the date the event is scheduled to begin for a recurring or repeat event. The Marketing Department 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 Marketing Department 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 Marketing Department may, 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.

§105.04 PROCEDURE FOR REVIEW OF APPLICATION

Upon receipt of the application, the Marketing Department shall forward copies of the application(s) to the village manager, chief of police, fire chief, the director of public works, their designees, 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 105.05 have been satisfied.

Once this information has been obtained, the Marketing Department shall forward the application to the Village Clerk.

§105.05 STANDARDS FOR ISSUANCE OF PERMIT

- A. The Village Clerk 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. Any event to be held on public property must be open to the public.
 2. 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, completing all requirements of the application and providing true and correct information.
 3. The conduct of the special event will not substantially interfere with the safe and orderly movement of traffic.
 4. The special event will not substantially interfere with any publicly managed infrastructure project or construction project.
 5. 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.
 6. 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.
 7. 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.
 8. The activity will not unreasonably interfere with scheduled village functions or the normal activities of the residents of the village.
 9. The conduct of the special event will not interfere with the movement of emergency equipment responding to any emergency.
 10. 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.
 11. The special event or related activity is not being conducted for an unlawful purpose.
 12. The special event will not need special village services that cannot be reasonably made available.

13. The permittee has received all other permits, licenses and approvals necessary to conduct the activities of the special event.

14. The permittee has agreed to pay all required permit fees required for the special event and submitted all required insurance certificates.

15. The special event will not conflict with any other event that has previously been scheduled.

16. All prior permit fees for any past special event conducted by the applicant, proposed permittee, event manager and/or sponsor have been paid in full.

B. After receipt and consideration of the recommendations from the Marketing Department and department heads, the village clerk shall consider said recommendations and shall determine whether the special event permit shall be granted in accordance with the provisions of this Chapter, and if the special event permit is to be granted, what, if any special village services shall be required and provided.

C. Written Approval or Disapproval; Special Conditions; The village clerk shall, in writing, 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 decision of the village clerk shall be transmitted to the event manager via electronic mail at the electronic mail address provided in the application. 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 village clerk 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 by the proposed permittee, event manager, and/or sponsor of the applicable permit fee.
- c. Compliance by the permittee, the event manager, and the sponsor, 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 five (5) continuous days without specific advance approval by the Village Clerk on recommendation of the Marketing Department.

§105.06 DENIAL OF PERMIT; APPEAL

A. Any person aggrieved by a decision of the village clerk shall have the right to appeal that decision to the Village's Finance and Economic Development Committee, provided that such appeal is in writing and is filed with the village manager within five (5) days of the applicant's receipt of the notification of denial by the village clerk.

B. The Finance and Economic Development Committee 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 electronic mail.

C. The appellant shall have the right to be represented at such hearing by counsel at the appellant's expense.

D. At the hearing conducted under this subsection, all interested persons shall be given an opportunity to be heard.

E. Any relevant testimony or evidence regarding the proposed event may be accepted.

F. The decision and order of the Finance and Economic Development Committee on such appeal shall be final.

§105.07 SPECIAL VILLAGE SERVICES

The village may require special village services be provided for a special event, which may or may not be in addition to those special village services agreed upon pursuant to the initial estimate. 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 shall be included in the permit fee.

§105.08 INSURANCE

A. Prior to the issuance of any permit for any special event to be held on public property pursuant to this chapter the proposed permittee shall furnish evidence of public liability coverage insurance in the amount of one million dollars (\$1,000,000.00) 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 sponsor 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.

D. No permit shall be issued unless the permittee, event manager and sponsor have executed the prescribed portion of the permit application pursuant to which they agree to release, indemnify, defend and hold the village and all of its officers, employees and agents harmless against any and all claims, liabilities, suits, judgments, costs and expenses, including attorneys' fees, arising out of or in consequence of any acts or omissions of the permittee, event manager and/or sponsor, and, as may be the case, each of its directors, officers, employees or agents, in connection with the special event. Any application that is filed with the village for a special event shall constitute such a release, hold harmless and indemnification by the applicant. Any and all permits issued hereunder shall likewise be subject to all such conditions.

§105.09 WAIVER OF FEES

The President and Board of Trustees may waive the permit fee for any village sponsored community event, or for any special event conducted by a not-for-profit organization that provides services directly to the village pursuant to a written agreement.

§105.10 DUTIES OF PERMITTEE

It shall be the duty of all permittees, event managers, and sponsors to comply with all permit directions and conditions and with all applicable statutes, codes, ordinances and rules and regulations. The special event permit issued pursuant to

this chapter shall be present and available for inspection at all times during the event.

§105.11 SUSPENSION OR REVOCATION OF PERMITS:

A. The village clerk or, at the request of the village clerk, 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 clerk, 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 village clerk, or village manager at the request of the village clerk, 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 have 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
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 clerk, or designee, shall provide written notice of the suspension and/or revocation of such permit stating the reasons therefor, which notice shall be transmitted to the applicant, the permittee, the event manager, and the sponsor, if any, via electronic mail, at the electronic mail addresses provided on the application for such permit, or personally served upon the permittee or upon the event manager, or designee, 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 clerk, the village manager or the chief of police, or their designee, shall be and is hereby authorized to order the permittee to immediately cancel and require all activities of the event to cease.

§105.12 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.

Section 2: The Tinley Park Municipal Code, Chapter 99, Sections 99.130 through 99.138 are hereby repealed and deleted.

Section 3: That all ordinances or parts of ordinances in conflict herewith are, to the exempt of such conflict, hereby repealed.

Section 4: The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 5: The provisions of this Ordinance shall be in full force and effect upon its passage, approval and publication, in accordance with law.

Section 6: The Village Clerk be and hereby is authorized and directed to publish this Ordinance in pamphlet form.

ADOPTED this 7th day of October, 2014, pursuant to a roll call vote as follows:

AYES: Seaman, Maher, Staunton, Leoni, Grady

NAYS: None

ABSENT: Hannon

APPROVED by me this 7th day of October, 2014.


VILLAGE PRESIDENT

ATTEST:

VILLAGE CLERK

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