

ORDINANCE NO. 19-_____

**AN ORDINANCE AMENDING TITLE 3 (BUSINESS AND LICENSE REGULATIONS)
CHAPTER 4 (AMUSEMENTS) ARTICLE C (SPECIAL EVENT PERMITS)
OF THE NAPERVILLE MUNICIPAL CODE**

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule authority, as follows:

SECTION 1: Title 3 (Business and License Regulations) Chapter 4 (Amusements) Article C (Special Event Permits) of the Naperville Municipal Code is hereby amended by deleting the stricken language and adding the underlined language as follows:

**TITLE 3 (BUSINESS AND LICENSE REGULATIONS) CHAPTER 4 (AMUSEMENTS)
ARTICLE C (SPECIAL EVENT PERMITS)**

SECTIONS:

3-4C-1: DEFINITIONS:

For purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Article:

APPLICANT:	Any natural person, syndicate, association, partnership, firm, club, company, corporation, limited liability company, institution, agency, government corporation, municipal corporation, district or other political subdivision, or any officers, agents, employees or other representative, acting either for himself or for any other person in any capacity; or any other entity recognized by law as the subject of rights and duties other than the City of Naperville who submits an application pursuant to this Chapter.
APPLICATION:	Forms provided <u>made available</u> by the City Clerk's o <u>Office</u> for major or minor special events.
CARNIVAL:	Any aggregation of shows or riding devices, games of skill or chance, or any combination of shows and riding devices, or any combination of several enterprises, such as Ferris wheels, tilt-a-whirls, carousels, roller coasters, giant swings, or other riding devices, whether carried on or engaged in or conducted in any field, park or in a building or enclosure, and whether carried on, engaged in or conducted as one (1) enterprise or by several concessionaires, and whether one (1) admission fee is charged

	for admission to all such shows or entertainments, or separate fee for admission is charged for each amusement.
CARNIVAL RIDES:	Riding devices including, but not limited to, Ferris wheels, tilt-a-whirls, carousels, roller coasters, and giant swings.
CIRCUS:	A show consisting of acrobats, trained animals, clowns, or similar forms of entertainment that is held in an arena, which may be open air or enclosed in a tent or building.
CITY:	The City of Naperville and its officers, agents, employees and representatives.
CITY PROPERTY:	Public streets, sidewalks, right-of-way, or other property owned or controlled by the City.
CITY SERVICES:	Services provided by City departments including, but not limited to public safety, crowd control, traffic control, management of the event site, road closures, demarcation of no-parking tow zones, inspection services, garbage removal , and production of <u>signage and other supporting</u> event materials and City website information.
CODE:	The Naperville Municipal Code.
FILM PRODUCTION EVENT:	The use of public or private property, whether indoor or outdoor within the City of Naperville for the purpose of producing, videotaping or filming of commercials, movies, television programs, and/or other media, commercial, not-for-profit, educational or artistic activities. A film production event does not apply to individuals filming on public or private property for personal, non-commercial purposes.
FULL-CONTACT MARTIAL ARTS EVENT:	The use of public or private property within the City of Naperville for the purpose of conducting, hosting, permitting, or competing in a professional or amateur contest, exhibit, event, or tournament using a single discipline or a combination of techniques from different disciplines of the martial arts, including, but not limited to Karate, Kung Fu, Judo, Jujitsu, Tae Kwon Do, and Kyuki-Do, including, full-force grappling, kicking, and striking with the intent to injure, disable, or incapacitate one's opponent. All full-contact martial arts events shall be considered a major special event as defined by this Chapter.
MAJOR SPECIAL EVENT:	A special event, film production event, or full-contact martial arts event held on public or private property including, but not limited to, parades, festivals, and athletic events which meet some or all

	of the following criteria: (a) closure of roads, streets or City blocks [blocks]; (b) demarcation of "No Parking, Tow Zones"; (c) issuances of multiple permits of licenses; (d) provision of City services as defined herein.
MINOR SPECIAL EVENT:	A special event or film production event including, but not limited to events such as neighborhood parades. Minor special events are events, which do not require provision of City services as defined herein.
SPECIAL EVENT	<u>A special event, film production, or a full-contact martial arts event held on public or private property including, but not limited to: community and neighborhood parades, festivals and athletic events which meet some or all of the following criteria: (a) closure of roads, streets or City blocks; (b) demarcation of "No Parking, Tow Zones;" (c) issuances of multiple permits of licenses; (d) provision of City services as defined herein.</u>
SPECIAL EVENTS COORDINATOR:	An individual appointed by the City Manager to coordinate applications <u>and logistics</u> for <u>major special events</u> , minor events and film production <u>s events</u> .
SPECIAL EVENTS SUPPORT TEAM:	Representatives of various City departments of the City <u>and community partners</u> who will work with the Special Events Coordinator to review <u>major special event permit applications</u> and to assist in the provision and coordination of <u>appropriate</u> City services for <u>such events</u> <u>based on information including, but not limited to: staffing levels required, expected attendance, parking impact, numbers of event days, footprint of the event (including road closures, excluding block parties), inspections, mutual aid potential, type of entertainment, community impact and the availability of liquor.</u> The special event support team may also assist with minor special events when requested by the Special Events Coordinator.

3-4C-2: EXEMPTIONS:

The following are exempt from obtaining a ~~major or minor~~ special event permit, unless services are required by the City of Naperville:

- 2:1. The City of Naperville.
- 2:2. The Naperville Park District.

2.3. Educational institutions approved or authorized by the State of Illinois.

2.4. Block parties, which are governed by Title 9, Chapter 4 of this Code.

2.5. Notwithstanding the exemptions set forth in this Chapter, issuance of other permits or licenses may be required depending on the nature of the event, including but not limited to: amplifier permits, tent permits, carnival/carnival ride permits, firework permits, bonfire permits, generator permits, and liquor licenses.

2.6. ~~Film Production Exemptions:~~ Schools, businesses, places of worship, residents using their own premises for producing films for their own educational, family, or training purposes, individuals filming on public or private property for personal, non-commercial purposes, and the filming of actual news events or stories within the City of Naperville, ~~are exempt from obtaining a major or minor special event permit.~~

~~3-4C-3: MAJOR OR MINOR SPECIAL EVENT DETERMINATION:~~

~~Neither a major special event, minor special event, nor film production event shall occur without the prior issuance of a permit pursuant to the terms and conditions of this Section. In advance of filing an application for either a major or minor special event permit, an applicant shall submit a detailed narrative description of the proposed special event to the Special Events Coordinator and request direction as to whether the event should be designated a major or minor special event. Upon receipt of sufficient information regarding the proposed event, the Special Events Coordinator shall timely advise whether the event will be treated as a major or minor special event. Full-contact martial arts events shall be considered a major special event.~~

~~3-4C-43: MAJOR SPECIAL EVENTS:~~

4.1. A major special event permit application shall be available on the City's website and at the City Clerk's Office. The application shall include requirements for issuance of a major special event permit, including but not limited to those listed in herein. In addition to the requirements set forth in this Code and as set in the major special event permit application, events may be subject to additional conditions or restrictions deemed necessary and appropriate by the City. The major special event application shall consolidate applications for licenses and permits that may be needed for such event, including but not limited to: (a) temporary signage; (b) amplifiers; (c) tents; (d) fireworks; (e) raffles; (f) right-of-way; (g) circuses; (h) carnivals; (i) carnival rides; and (j) filming, except that applications for a liquor license shall be applied for separately as provided by this Code. The requirements and fees for issuance of each such permit or license shall remain as otherwise provided for in the Code.

~~4.1.1. Submission of Special Event Application The application shall be accurately and completely filled out prior to submission., and shall include, but not be limited to, the following information:~~

~~4.1.1.1. A complete and accurate description of the event for which the permit is applied and an estimate of anticipated attendees and/or participants.~~

~~4.1.1.2. Information regarding whether admission fees or charges are to be assessed to attendees or participants.~~

~~4.1.1.3. Information regarding whether alcohol consumption is planned, and if so, the hours, location and type of alcohol planned to be served.~~

~~4.1.1.4. A description of provision for refuse needs for the event which shall be in compliance with City policies and Code provisions and State law.~~

~~4.1.1.5. A description of restroom availability and maintenance for the event.~~

~~4.1.1.6. A description of the type and nature of any entertainment, including but not limited to music acts, carnival rides, and games of chance.~~

~~4.1.1.7. A certificate of general liability insurance, naming the City of Naperville and its officers, employees, agents and representatives as additional insureds, in a form and amount determined by the Special Events Coordinator, or her designee, may be required. Whenever a certificate of insurance is required, an additional insured endorsement shall also be provided.~~

~~4.1.1.8. Information describing in detail the accessibility plans for the event.~~

~~4.1.1.9. Information pertaining to the use of City amenities for the event as described in Section 5-3-4:3 of this Article.~~

~~4.1.1.10. Information regarding requests for City services associated with the event.~~

~~4.1.1.11. A list of all vendors participating in the event.~~

~~4.1.1.12. Film production application shall also provide information regarding the length of the production, and the hours the filming will occur each day, number of production staff, number and types of vehicles required, and a parking plan for production vehicles.~~

~~4.1.2. Submission of Major Special Event Permit Application.~~

4.1.21.1. All applications shall be accurately and completely filled out prior to submission.

4.1.21.2. All applications for a ~~major special~~ event permit shall be submitted to the City's Special Events Coordinator a minimum of one hundred twenty (120) days prior to the proposed event. A ~~major special~~ event permit for film production must be submitted a minimum of ~~thirty (30)~~ forty-five (45) days prior to the proposed filming. Applications submitted late ~~may~~ will be considered on a case by case basis, but may be rejected for untimeliness, and/or if the annual Special Events Calendar is closed.

4.1.21.3. An individual or entity submitting an application for a ~~major~~ special event must be vested with the legal authority to bind the applicant and may be requested to supply evidence to that effect. Said individual or representative shall certify and swear to the accuracy of all statements and information contained in the application and that the applicant is qualified in all respects to receive the permits applied for.

4.1.21.4. A ~~n application fee and~~ hold harmless, defense and indemnification agreement ~~shall be~~ is required.

4.1.32. ~~A special event support team~~ The Special Events Team, comprised of representatives of various City departments and community partners, led by the Special Events Coordinator, shall review applications for proposed ~~major~~ special events and submit recommendations to the City Council regarding such events and any requirements or conditions therefore.

4.1.43. Full-contact martial arts events shall be required to meet the following additional criteria as a condition of the issuance of a ~~major~~ special events permit:

4.1.43.1. Required City police and paramedic presence at the event as determined by the Special Events ~~Support~~ Team.

4.1.43.2. Restriction of attendees to those eighteen (18) years of age or older unless the minor is accompanied by a parent or legal guardian. The Special Events ~~Support~~ Team shall review the applicant's plan to restrict the age of attendees.

4.1.43.3. The event must be conducted during daylight hours and shall be cleared of spectators and attendees by 4:00 p.m.

4.2. Notification of a Major Special Event to Residents and Businesses: An applicant for a ~~major~~ special event permit shall, at its cost, provide written notification of the proposed event, including a narrative summary of the event, to residents and businesses which may be affected by such event. The Special Events Coordinator shall review and approve the narrative and the scope of notice proposed by the applicant, and shall ~~inform the applicant of the date the application shall be considered by the City Council~~

~~so that such date may be included in the notification.~~ Such notice shall be provided not less than two (2) weeks, and not more than four (4) weeks, ~~prior to City Council consideration of the application~~ prior to the event.

4.3. Promotion of City Amenities: Recognizing the importance of incorporating and promoting positive local economic impact as part of ~~major~~-special events within the City, the applicant shall contact and work with the Naperville Convention and Visitors Bureau in a good faith manner in order to encourage and facilitate overnight accommodations and use of other community amenities within the City for the event.

~~3.4.~~ City Council Consideration: A request for a ~~major~~-special event permit shall be submitted to the City Council by the Special Events Coordinator for review and consideration. The City Council, taking into consideration whether the event is to be held for a lawful purpose, whether there is a reasonable basis to believe that it will tend to cause a breach of the peace or unduly interfere with the public use of public right-of-way or other public property, or whether it will unduly interfere with the peace and quiet of the residents of the City, may approve the permit, deny the permit, or approve the permit subject to such conditions or restrictions as it deems appropriate.

~~3.5.~~ Issuance of ~~Major~~ Special Event Permit: A ~~major~~ special event permit shall be issued after it has been approved as set forth herein and after the Special Events Coordinator is in timely receipt of the following items, as applicable: (a) a completed ~~major~~-special event permit application, signed and notarized; (b) all required fees; (c) a certificate of insurance and additional insured endorsements in a form and in amounts approved by the City, naming the City and its officers, agents, employees and representatives as additional insureds; (d) a copy of a temporary liquor license issued by the City's Liquor Commissioner, if applicable; and (e) any other information or documentation deemed necessary or appropriate. All supplemental permits or licenses needed for the ~~major~~ special event, other than a liquor license if applicable, shall be included in the issuance of the ~~major~~-special event permit if the applicant has paid the required fees and otherwise complied with the requirements for each such supplemental permit or license. Such supplemental permits and licenses include, but may not be limited to, ~~licenses and permits for amplifiers, tents, temporary signage, raffles, right-of-way, carnivals, carnival rides or circuses.~~

~~3.6.~~ All ~~major and minor~~ special events permitted under this Chapter shall post signs, clearly and conspicuously, at all entrance(s) to the special event in conformity with the Firearm Concealed Carry Act, 430 ILCS 66/65 et. seq., as amended from time to time.

~~3-4C-54: CHARGEBACK FOR MAJOR SPECIAL EVENTS:~~

Except where an event is in whole or in part by an award from the City of Naperville Special Events and Cultural Amenities (SECA) Grant Fund, after a ~~major~~ special event is over, the City shall issue the applicant a bill for costs incurred by the City, including but not limited to reasonable personnel costs attributable to the ~~major~~ special event and

for any damage caused to public property. The applicant shall be responsible for payment of said bill in full within the timeframe specified on the bill. The applicant shall be responsible for a 20% prepayment on the estimated cost of City services, due two (2) weeks prior to the event. At the conclusion of the special event the applicant will be issued a bill for the balance of the City services, due within the timelines specified on the bill. In the event that such payment is not made in full in a timely manner, the City Attorney may be requested by the City Manager to take or direct the necessary legal action to obtain such payment. The reasonable costs and attorney's fees resulting from such action ~~shall~~may be added to the amount due and owing by the applicant. Failure to timely pay bills for charge back services may result in denial of future permits to the applicant or the applicant's organization.

3-4C-65: FOOD AND BEVERAGE TAX COLLECTION:

Food and beverages may be sold at a ~~major~~ special event if approved and licensed as necessary by the appropriate county health department. All vendors participating in a ~~major~~ special event shall comply with the payment requirements of the City's food and beverage ordinance as amended from time to time.

3-4C-7: MINOR SPECIAL EVENTS:

~~7.1. Minor Special Event Permit Application: A minor special event permit application shall be available on the City's website and at the City Clerk's Office. In addition to the requirements set forth in this Code and as set forth in the minor special event permit application, events may be subject to additional conditions or restrictions deemed necessary and appropriate by the City.~~

~~7.2. Submission of Minor Event Permit Application:~~

~~7.2.1. An application for a minor special event permit shall be submitted to the City's Special Events Coordinator a minimum of twenty-one (21) days prior to the proposed event. Applications for minor filming production event shall be submitted a minimum of fourteen (14) days prior to the proposed event. Applications submitted late may be considered on a case by case basis, but may be rejected for untimeliness.~~

~~7.2.2. An individual or entity submitting an application for a minor special event must be vested with the legal authority to bind the applicant and may be requested to supply evidence to that effect. Said individual or representative shall certify and swear to the accuracy of all statements and information contained in the application and that the applicant is qualified in all respects to receive the permits applied for.~~

~~7.2.3. An application fee and hold harmless, defense and indemnification agreement may be required by the City.~~

~~7.2.4. Film production application shall also provide information regarding the length of the production, and the hours the filming will occur each day, number of production staff, number and types of vehicles required, and a parking plan for production vehicles.~~

~~7.3. Other permits and/or licenses may be necessary in addition to the minor special event permit, depending on the event, including but not limited to amplifier permits, raffle licenses, tent permits, and carnival, carnival ride or circus permits.~~

~~7.4. The Special Events Coordinator shall review applications for proposed minor special events and minor filming events and submit a report to the city Manager regarding such events and any requirements or conditions therefore. In the event the City Manager denies the permit, written notification of the denial and the reasons for a denial shall be provided to the applicant.~~

~~7.5. Issuance of Minor Special Event Permit: Upon approval of the application, as set forth herein, and after payment of any required fees, the City Clerk shall issue the minor special event permit.~~

3-4C-86: SPECIAL EVENT CONDITIONS:

~~8.1. Fire And Life Safety: All special events must comply with State law and with the City Code, ordinances, rules, regulations, and policies.~~

~~8.2. Access To Event: There shall be in every permitted premises for major special events not less than two (2) exits leading to the outside, each not less than three (3) feet in width and, if doors are present, they are required to open outward.~~

~~8.32. Occupancy at a special event shall be in compliance with City and State law.~~

~~8.43. The nature and intensity of the event must be planned so that the event will be compatible with the existing development in the area of the event. The event shall not significantly or materially be detrimental to the public health, safety, and welfare, or injurious to property or improvements in the surrounding area, including, but not limited to, excess traffic, parking, noise, pedestrian safety, and adverse effects on neighboring areas.~~

~~8.54. Parking areas, both on and off street, for a particular event, are to be of adequate size, properly located, and the entrance and exit drives shall be laid out so as to prevent traffic hazards and nuisances. For major special events The applicant shall coordinate partner with the Special Events Coordinator for major events to provide easily maps and information relative to parking and accessible parking.~~

~~8.65. A special event permittee The approved special event applicant shall allow free and unobstructed access to the premises during the pre-inspection and permitting phases of event approval by authorized City personnel while acting on City business.~~

~~8.76. Any activity occupying or using any street, public place, or public right-of-way in the City may be allowed only in accordance with the provisions of this Code where applicable.~~

~~8.87.~~ Security to be provided for a ~~major~~ special event, whether provided by private security personnel, ~~and/or by the Naperville Police Department, and/or other law enforcement agencies~~ shall be ~~evaluated~~ approved and coordinated with the Naperville Police Department. ~~Security may be provided by private security personnel and/or by members of the Naperville Police Department.~~ If ~~Naperville Police~~ the Naperville Police Department and/or other law enforcement agencies are used to ~~assist with~~ provide security for an event, the applicant shall be responsible for their costs, which will be assessed as part of the charge back provided for in Section 3-5-5 of this Article.

~~8.98.~~ Smoking on event premises shall be in compliance with State law.

~~8.109.~~ Special events including fundraising activities shall comply with City and State laws.

~~8.110.~~ Carnivals, carnival rides, and circuses shall comply in all respects with City ordinances, Code requirements, and State law.

~~8.121.~~ If consumption of alcohol is proposed, said use must comply with City and State law.

~~8.131.~~ If animal use or exhibition is proposed, said use must comply with City rules, regulations, ordinances, and State law.

~~8.141.~~ In addition to the specific regulations, standards, and time limitations set forth in the Code, all special events shall be subject to such conditions and restrictions on their location and operation as deemed necessary from time to time by the City Manager or his designee.

3-4C-97: INSPECTIONS:

~~9.1.~~ The City's Fire Department, Police Department, Department of Public Works, and the Transportation, Engineering and Development Business Group shall be advised of proposed ~~major events, and also minor~~ special events as deemed appropriate by the Special Events Coordinator. Prior to the issuance of a permit therefore, they shall conduct such inspections and investigations as they deem necessary to verify information provided by the applicant, and to evaluate and ensure compliance with City Code requirements and State law in order to promote the public health, safety and welfare. Individual vendors may only participate if it is determined that they are in compliance with applicable State law and City Code provisions.

~~9.2.~~ The City may inspect the event premises and participating vendors at any time during the event to ensure continued compliance with City Code, State law and specific permit conditions, if applicable.

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

PASSED this _____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2019.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, PhD
City Clerk