

ORDINANCE NO. 09 - 101

**AN ORDINANCE ADDING A NEW ARTICLE F. (SPECIAL
EVENT PERMITS) TO CHAPTER 4 (AMUSEMENTS)
TO TITLE 3 (BUSINESS AND LICENSE REGULATIONS)
OF THE NAPERVILLE MUNICIPAL CODE**

**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
powers that:

SECTION 1: Chapter 4 (Amusements) of Title 3 (Business and License Regulations)
of the Naperville Municipal Code is hereby amended by adding a new Article F. (Special Event
Permits) as follows:

**CHAPTER 4
AMUSEMENTS**

ARTICLE F. SPECIAL EVENT PERMITS

SECTION:

- 3-4F-1: Definitions.
- 3-4F-2: Exemptions
- 3-4F-3: Major or Minor Special Event Determination
- 3-4F-4: Major Special Events
- 3-4F-5: Charge Back For Major Special Events
- 3-4F-6: Food and Beverage Tax Collection
- 3-4F-7: Minor Special Events
- 3-4F-8: Special Event Conditions:
- 3-4F-9: Inspections

3-4F-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 by the City Clerk's Office 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 enterprise or by several concessionaires, and whether one 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 event materials and City website information.

CODE:	The Naperville Municipal Code.
MAJOR SPECIAL EVENT:	An Special Event including, but not limited to, parades, festivals, and athletic events which meet some or all of the following criteria: (a) anticipated attendance by a large number of people, typically in the thousands; (b) closure of roads, streets or city blocks; (b) demarcation of "No Parking, Tow Zones"; (c) issuance of multiple permits or licenses; (d) provision of City Services as defined herein.
MINOR SPECIAL EVENT:	A Special 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.
PRIVATE EVENT	An event located entirely on private property provided for an exclusive or invited group of attendees, held on suitable premises, which does not exceed occupancy permits, and which may or may not be intended for the general public.
SPECIAL EVENTS COORDINATOR	An individual appointed by the City Manager to coordinate applications for Major and Minor Special Events.
SPECIAL EVENT SUPPORT TEAM	Representatives of various departments of the City who will work with the Special Events Coordinator to review Major Special Event permit applications and to assist in the provision and coordination of City Services for such events. The Special Event Support Team may also assist with Minor Special Events when requested by the Special Events Coordinator.

3-4F-2: EXEMPTIONS: The following are exempt from obtaining a Major or Minor Special Event Permit:

- 2.1. The City of Naperville
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. Private Special Events.
- 2.6. 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.

3-4F-3: MAJOR OR MINOR SPECIAL EVENT DETERMINATION: In advance of filing an application for either a Major or Minor Special Event permit, an Applicant may 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.

3-4F-4: 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; and (g) Circuses (h) Carnivals and (i) Carnival Rides, 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. 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.
- 4.1.2. Submission of Major Event Permit Application.
 - 4.1.2.1. An Application for a Major Event Permit shall be submitted to the City's Special Events Coordinator a minimum of one

hundred and twenty (120) days prior to the proposed event. Applications submitted late may be considered on a case by case basis, but may be rejected for untimeliness.

- 4.1.2.2. 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.
- 4.1.2.3. An Application fee and hold harmless, defense and indemnification agreement may be required.
- 4.1.3. A Special Event Support Team, comprised of representatives of various departments within the City, 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.
- 4.2 Notification of Major Special Event. 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.
- 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.
- 4.4 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.

- 4.5 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 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 permit or license. Such 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.

3-4F-5: CHARGE BACK 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 Fund, after a Major Special Event is over, the City may 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. 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 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.

3-4F-6: 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.

3-4F-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 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 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.
- 7.3. Other permits or licenses may be necessary in addition to the Minor Special Event permit, depending on the event, including but not limited to Amplifier Permits, right-of-way 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 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.

3-4F-8: SPECIAL EVENT CONDITIONS:

- 8.1 Fire and Life Safety: 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 feet (3') in width and, if doors are present, they are required to open outward.
- 8.3. Occupancy at a Special Event shall be in compliance with City and state law.
- 8.4. 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.

- 8.5. 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 with the Special Events Coordinator for Major Events to provide easily maps and information relative to parking and accessible parking.
- 8.6. A special event permittee 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.
- 8.7. 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.
- 8.8. Security to be provided for a Major Special Event, whether provided by private security personnel and/or by the Naperville Police Department shall be evaluated 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 are used to assist with 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.
- 8.9. Smoking on event premises shall be in compliance with state law.
- 8.10. Special Events including fundraising activities shall comply with City and state laws.
- 8.11. Carnivals, Carnival Rides, and Circuses shall comply in all respects with City ordinances, Code requirements, and state law.
- 8.12. If consumption of alcohol is proposed, said use must comply with City and state law.
- 8.13. If animal use or exhibition is proposed, said use must comply with City rules, regulations, ordinances, and state law.
- 8.14. In addition to the specific regulations, standards, and time limitations set forth in the Code, 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.

3-4F-9: INSPECTIONS:

- 9.1 The City's Fire Department, Police Department, and 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: This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 18th day of August, 2009.

AYES: PRADEL, BRODHEAD, FIESELER, FURSTENAU, HINTERLONG,
 KRAUSE, MILLER, WEHRLI

NAYS: NONE

ABSENT: BOYAJIAN

APPROVED this 19th day of August, 2009.

A. George Pradel
Mayor

ATTEST:

Pam LaFeber, Ph.D.
City Clerk