

## CHAPTER 115: SPECIAL EVENTS

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### **§ 115.01 PURPOSE.**

The purpose of this Chapter is to protect the health, safety and welfare of the citizens of the Village by regulating the time, place and manner of special events and by establishing permit requirements for conducting such events.

(Ord. 6-8-A, passed 10-7-2009)

### **§ 115.02 DEFINITIONS.**

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***AMPLIFIED EVENT:*** Any special event that includes but is not limited to any musical performance and/or any electronically amplified music and/or voices.

***APPLICANT:*** Any person or organization who seeks a permit to conduct or sponsor a special event within the Village. For purposes of this Chapter 115, an applicant which receives a special event permit is referred to as a “permittee” or “permit holder”.

***MEGA SPECIAL EVENT (also referred to in this Village Code as a Category 4 Special Event):*** An amplified special event held by the holder of any current and valid liquor license issued by the Village (other than by the holder of a Class C license) which consists of any of the following: (1) a gathering of or attendance by in excess of 1,000 persons on any one (1) day, or (2) more than 400 vehicles may be parked on the licensed premises or parked off-site for attendance at such event or gathering on any one day; or (3) an event where the licensee proposes to erect one (1) or more tent(s), canopy(ies), or other temporary structure(s) on its licensed premises which temporary structure(s) in the aggregate cover more than 800 square feet of ground area. A Mega Special Event, or Category 4 Special Event may only be held at the sole discretion of and with the prior written approval of the Village Board.

***NON-AMPLIFIED EVENT:*** Any special event that does not include electronically amplified music and/or voices. No special event permit shall be required for a non-amplified event.

***NON-LICENSEE EVENT (also referred to in this Village Code as a Category 1 Special Event):*** An amplified special event held or sponsored by a person other than by the holder of a current, valid Class A, Class AA, or Class B Liquor License issued by the Village which consists of an outdoor gathering of or attendance by at least 50 persons, whether on public or private property, assembled with a common purpose for a period of one hour or longer, but which may not in any event exceed twelve (12) hours in duration on any day.

***OFF-SEASON SPECIAL EVENT (also referred to in this Village Code as a Category 3 Special Event):*** An amplified special event held at a time other than during the special event season as defined in this Section by the holder of any current, valid liquor license issued by the Village (other than by the holder of a Class C license), which consists of an out-of-doors gathering of or attendance by not more than 1,000 persons on any one day.

***OUTDOOR or OUT OF DOORS:*** For the purposes of this Chapter, the term “outdoor” and/or “out of doors” shall mean a location not fully enclosed by a permanent structure. Without limiting the foregoing, the term “outdoors” or “out of doors” shall include but not be limited to a location on or within any porch, deck, truck, trailer, tent, canopy, boat, dock, raft, pier, or other location lacking one or more permanent wall(s) or lacking a roof or part of a roof or on or within any other temporary structure.

***SEASON (relative to Seasonal Special Events):*** That period or those periods or day(s) of each calendar year when Seasonal Special Events may be held which consists of that period between May 1 and September 30 or on a Sunday in April or in October.

***SEASONAL SPECIAL EVENT (also referred to in this Village Code as a Category 2 Special Event):*** An amplified special event held by the holder of any current, valid liquor license issued by the Village (other than by the holder of a Class C license), which consists of an out-of-doors gathering of or attendance by not more than 1,000 persons on any one day, which special event is held in the special event season which is defined in this Section as between May 1 and September 30 or on a Sunday in April or in October.

***VILLAGE:*** The Village of Port Barrington, Lake and McHenry Counties, Illinois.

(Ord. 6-8-A, passed 10/7/2009; Amd. Ord. 2019-09-03, passed 09/18/2019)

### **§ 115.03 PERMIT REQUIRED.**

No person shall hold, conduct, or sponsor a special event within the Village unless a permit for such special event has been specifically approved in advance by the Village Board for any such event upon timely written application made to the Village and the payment to the Village of the required nonrefundable permit fee and a deposit for the estimated cost of any special services determined by the Village to be necessary and required for such special event, provided, however, no special event permit shall be required for a non-amplified event.

- (A) Application for permit. Each written application for a special event permit must be made at least 30 days in advance of the event’s proposed date in a form prescribed by the Village Clerk. This application period shall not begin to run until a complete application has been filed with the Village. A nonrefundable fee and a deposit for Village expenses, as established by the Village Board from time to time, as respectively set forth in Paragraph 115.03(G) and (H) below, shall be paid to the Village along with the completed application form. In addition to the fee, the applicant shall pay all additional costs incurred by the Village as a direct result of the special event. Failure to provide a complete application or to pay the required fee and deposit, as herein required, is shall be a sufficient reason to deny, suspend, or revoke the special event permit.

(B) Issuance of Permit, Conditions. Special event permits will be issued only upon approval by the Village Board. The Village Board may attach reasonable conditions to the permit as are deemed necessary to protect the health, safety and welfare of the community and of event participants. Such conditions may relate to any of the following:

- (1) Location and hours during which the event may be held;
- (2) Sanitation and the availability of potable water;
- (3) Security and crowd management;
- (4) Adequate parking and traffic control issues, including but not limited to providing a parking plan for the Village Board's prior approval, if required by the Village Board, which plan shall include any off-site special event parking approved by the Village Board and any related temporary directional signage;
- (5) Emergency and medical services;
- (6) Clean-up of premises and surrounding area of related trash and the proper disposal thereof;
- (7) Insurance;
- (8) Lighting;
- (9) Fire and EMS services and other safety issues;
- (10) Temporary barricades and fencing;
- (11) Removal of advertising/promotional materials;
- (12) Noise control measures as approved by the Village Board which shall be specified in the Special Event Permit;
- (13) Hours of alcohol consumption;
- (14) Temporary directional signage;
- (15) A written emergency action for such events, including but not limited to such events as tornado(s), severe weather conditions, flood(s), or fire(s);
- (16) Advance notification of residents and/or of businesses;
- (17) Any other conditions which the Board deems necessary to protect the public health, safety, and welfare of the Village and its residents.
- (18) No holder of a special event permit shall permit or allow the attendance at such event to exceed the maximum number of persons permitted by such a special event permit and/or as specified pursuant to this Code.
- (19) No holder or sponsor of a special event shall permit or allow the occupancy of any building or temporary structure(s) used for such special event to exceed the maximum permitted occupancy of such building or temporary structure(s) as determined by the applicable fire protection district.
- (20) The location of any temporary structure used at a special event shall be approved in writing in advance by the applicable fire protection district.

(C) Exceptions to the Permit Requirement. The permit requirement contained in this Chapter does not apply to the following:

- (1) Special events sponsored and managed by the Village or Village Rec Committee;
- (2) Funerals and funeral processions;
- (3) Events on the grounds of any school, community center, museum, place of worship, conference center, stadium, athletic field, arena, auditorium or similar place of assembly when used for regularly established assembly purposes.

(D) Restriction on Number of Special Events:

- (1) No more than four (4) Category 1 Non-Licensee Special Events shall be permitted by any one permittee or at any one location in any one calendar year.
- (2) There shall be no limit on the number of amplified Category 2 Seasonal Special Events which may be held by the holder of any Class A, Class AA, or Class B Liquor License in the same season as defined in this Chapter.
- (3) No holder of any Class A, Class AA, or Class B Village Liquor License shall hold more than a total of seven (7) Category 3 Off-Season Special Events or Category 4 Mega Special Events in any calendar year.
- (4) Notwithstanding the provisions of Paragraph D(3) above, Mega Special Events, or Category 4 amplified Special Events, may only be held at the sole discretion of the Village Board and, in any event, only if the Village Board finds that all of the conditions of such a Special Event Permit are met and that the public health, safety, and welfare are adequately protected.

(E) Denial of Application. A permit may be denied based upon a determination that:

- (1) The event would endanger public health or safety;
- (2) The event would unreasonably inconvenience the general public;
- (3) The event would unreasonably infringe upon adjacent property owners' rights;
- (4) The event would conflict with another proximate event or interfere with construction or maintenance work;
- (5) There are not sufficient safety personnel or other necessary staff to accommodate the event;
- (6) The applicant has violated one or more condition(s) of this Chapter or has violated a special event permit issued pursuant to this Chapter to the applicant within the last 12 months;
- (7) The applicant has failed to present acceptable evidence of compliance with statutory workers' compensation insurance requirements.
- (8) Other issues in the public interest were identified by the Village Board.
- (9) Any violation(s) of this Village Code which presently exist on property which is or will be the special event site location.
- (10) The applicant has or owes any debt(s) due and owing to the Village.

(F) Indemnification and Insurance.

- (1) As a condition precedent to the Village's issuance of a Special Event Permit, the applicant and the proposed holder of any Village of Port Barrington Special Event Permit, for a Category 2, 3, or 4 Special Event are required to and shall agree in writing to defend, indemnify and hold the Village, its officers, employees, and agents harmless, to the greatest extent permitted by law, from any liability, claim, damages, costs, judgments, or expenses, including attorney's fees, resulting directly or indirectly from any act and/or omission(s) or any negligent act or omission, or any willful conduct of the special event applicant/permittee, or of the officers, employees, and/or agents of the applicant/permittee, arising out of, related to, and/or by reason of the Special Event or the activities authorized by such Special Event Permit and against all loss caused in any way by reason of and/or as a result of the failure of the applicant/permittee to fully perform all obligations under this Chapter, and/or any failure to comply with all of the conditions of the Special Event Permit in question, and/or for the failure to otherwise comply with any other applicable provisions of this Code.
- (2) As a condition precedent to the Village's issuance of a permit for a Category 2, 3, or 4 Special Event conducted within the Village, the applicant and proposed permit holder shall

provide to the Village a public liability insurance policy naming the Village and its officers, employees, and agents as additional insureds with limits of not less than \$1,000,000 per occurrence for any property damage and/or for any personal injury and/or loss of life and not less than \$2,000,000 in the aggregate.

(G) Fees for Special Event Permits: In addition to any deposit(s) which may be required for the conduct of a Category 1, 2, 3, or 4 Special Event, the nonrefundable fees for the Special Event Permits required by this Chapter 115 shall be as follows:

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|---|------------|---|
| (1) <u>Category 1:</u> Non-Licensee Special Events: | \$ 50.00   | per Special Event   |
| (2) <u>Category 2:</u> Seasonal Special Events:     | \$ 50.00   | per Special Event, or   |
|   | \$1,500.00 | for unlimited Seasonal Special Events during the entire Special Event Season* |
| (3) <u>Category 3:</u> Off-Season Special Events:   | \$ 50.00   | per Special Event   |
| (4) <u>Category 4:</u> Mega Special Events:         | \$1,500.00 | per Special Event   |

\*This \$1,500.00 per season permit does not apply to or include Mega Special Events, which shall require a separate \$1,500.00 fee for each event.

Notwithstanding anything contained in this Paragraph G to the contrary, for a Special Event held by a licensee intended to support one or more charitable 501(c)(3) organization(s) or to support one or more governmental organization(s) (“qualifying organization”), the Board of Trustees, at its sole discretion, and after reviewing the amount of special event revenue which has been paid or donated by the licensee to such qualifying organization(s) from the proceeds of such special event, may refund to the licensee all or some part of the special event fees for such event.

(H) Reimbursement to Village for Special Services: In addition to the payment of all fees for permits or licenses otherwise required by this Village Code, when any applicant proposes to hold, conduct, or sponsor a special event of Category 2, 3, or 4 which will require special services to be rendered by or provided by the Village to meet needs or conditions which may arise from or which may be related to such a special event, whether or not the conduct of such activity requires a special event permit and/or other license(s) by this Village Code, then it shall be the duty of such applicant to procure from each Village department requested or required to provide such services and/or from any entity under contract with the Village to provide the requested and/or required services to the Village, an estimate of the expense which may be incurred by the Village in rendering and/or providing such services, and prior to the issuance of any permit or license or the rendering and/or providing of any Village services in connection therewith, the applicant shall deposit with the Village Treasurer a sum of money equal to the amount of the estimated expenses. If the actual expenses incurred by the Village equal or exceed the sum so deposited by the applicant, the sum so deposited by the applicant shall become the property of the Village and the applicant shall be required to further reimburse the Village for any additional expense(s) incurred by the Village in excess of the applicant’s deposit(s), and if the actual expenses incurred by the Village are less than the sum so deposited, to the extent of such actual expenses, the remaining money so deposited shall become the property of the Village and the balance shall be refunded to the applicant.

(Ord. 6-8-A, passed 10-7-2009; Amd. Ord. 2019-09-03, passed 09/18/2019) Penalty, see § 10.99

**§ 115.04 ENFORCEMENT.**

Enforcement of this Chapter may, at the Village Board's discretion, take any of the following forms:

- (A) Prosecution of any violation of this Chapter and/or of this Village Code;
- (B) Injunctions, declaratory judgments or other civil remedies;
- (C) Permit and/or license suspension or revocation; and/or
- (D) Dispersement of persons gathered for an event.

(Ord. 6-8-A, passed 10-7-2009; Amd. Ord. 2019-09-03, passed 09/18/2019) Penalty, see § 10.99