

**AN ORDINANCE AMENDING THE CITY OF WAUKEGAN'S
PARADE, PUBLIC ASSEMBLY AND OUTDOOR SPECIAL EVENTS ORDINANCE**

WHEREAS, the City of Waukegan seeks to amend its parade, public assembly and outdoor special events ordinance to coordinate multiple uses of limited space, to assure preservation of City facilities, to prevent uses that are dangerous, unlawful or impermissible under law, to assure financial accountability for damages caused by any event subject to the ordinance and to assure that all permit applicants are treated on a non-discriminatory basis.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Waukegan Illinois, as follows:

SECTION 1: That Division 1, entitled "PARADES OR PUBLIC ASSEMBLIES," and Division 2, entitled "OUTDOOR SPECIAL EVENTS," of Article V, entitled "Outdoor Assemblies, Festivals, Parades and Similar Events" contained in Chapter 15 of the Municipal Code of the City of Waukegan, entitled "Offenses and Miscellaneous Provisions," be deleted in their entirety and replaced with the following:

DIVISION 1. DEFINITIONS.

Sec. 15-176. Definitions: The following terms are defined for the purposes of this ordinance as follows:

Athletic event means any event involving the conduct of exercises, sports or games reasonably anticipated to obstruct the normal flow of traffic upon the public way. Any athletic assembly that does not meet the criteria of a outdoor special event as that term is defined herein shall be treated for the purposes of the permit application process as either a parade or a public assembly.

Business days means those days which the municipal offices are open for conducting City business and does not include Saturdays, Sundays or holidays.

City-hosted event means an outdoor special event, parade or public assembly hosted by the City of Waukegan and which the City is primarily responsible

for organizing, funding and/or promoting. Such outdoor special events, parades or public assemblies do not require the issuance of a permit. All other outdoor special events, parades or public assemblies including those not hosted by the City, but which the City may be involved in organizing, funding and/or promoting, must obtain permits.

Combined event means an event in which a parade or public assembly takes place prior to or following a related outdoor special event, such as a festival or the like. Such combined events are treated as outdoor special events under the terms of this ordinance.

Development Review Board means the staff board of the City of Waukegan which is created and defined in the City's Zoning Ordinance.

Parade means any march, procession or other similar activity consisting of persons, animals, vehicles or things, or any combination thereof, upon any public street, sidewalk, alley or other public place, which does not comply with normal and usual traffic patterns, regulations or controls.

Public assembly means a company or assemblage of persons which is reasonably anticipated to obstruct the normal flow of traffic upon the public way, including pedestrian traffic on sidewalks, and that is collected together in one place.

Outdoor special event means a planned temporary aggregation of attractions, including athletic events, public entertainment, food, beverage service facilities, sale of souvenirs or other merchandise, or similar attractions, that is: (i) conducted on the public way; or (ii) conducted primarily outdoors on property open to the public other than the public way and which:

1. Includes activities that require the issuance of a City temporary food establishment license or temporary liquor license; or
2. Requires special City equipment, personnel or services, including but not limited to any of the following: street closures; provision of barricades, garbage cans, stages or special no parking signs; special electrical services; or special police protection.

"Outdoor special event" does not include a parade or public assembly for which a permit is required under Section 15-177, a neighborhood block party at which no food, beverages or merchandise is sold, or a city-hosted event.

DIVISION 2. PARADES AND PUBLIC ASSEMBLIES

Sec. 15-177. *Parade and public assembly permit:* No person or organization shall promote, sponsor or conduct a parade or public assembly unless the person or organization obtains a parade or public assembly permit in advance from the City.

Sec. 15-178. *Permit Application:* A person, partnership, voluntary association, corporation or other organization seeking to obtain a parade or

public assembly event permit shall file an application with the City Clerk not less than seven (7) business days before the date for which the parade or public assembly is proposed to be conducted.

The application for a parade or public assembly permit shall contain the following information, which must be promptly updated by the applicant as circumstances change:

1. The name, address, daytime telephone number, cell or mobile number (if available), and fax number (if available) of both the person signing the application, and the organization with which that person is affiliated or on whose behalf the person is applying, if applicable;
2. The name, address, daytime telephone number, cell or mobile number (if available), and fax number (if available) of the authorized and responsible leaders of the organization conducting the parade or public assembly;
3. The date of the proposed parade or public assembly and the hours that it will commence and terminate;
4. The location and exact street address of the assembly and disbanding areas and the time when the parade or public assembly will begin to assemble and disband;
5. The approximate number of persons, vehicles and floats to participate in the parade or public assembly and the basis on which this estimate is made;
6. The route along which the parade or public assembly will proceed and the sidewalks or lanes of traffic it will occupy; and
7. A list identifying the type and number of all animals the applicant intends to have at the parade or public assembly. Any animal identified as dangerous by law or which poses a danger to public health and safety is prohibited.

The City Clerk may return to the applicant any application that is incomplete or contains insufficient information. In returning the application, the Clerk shall specify what additional information must be provided in a new or amended application.

No person may submit an application on behalf of another person and no organization may submit an application on behalf of another entity.

Sec. 15-179. *Permit application fee:* The application for a parade or public assembly permit shall be accompanied by a non-refundable processing fee of \$40.00.

Sec. 15-180. *Multiple permit applications:* All applications for any permit filed hereunder shall be processed on a first-in-time basis.

No person or organization may submit multiple permit applications for the same date and route. Where multiple applications for the same date and route are submitted, the Development Review Board is authorized to deny any application where there is already a permit issued for that date or route; however, if an alternate date or route is provided in said application, the

Clerk may forward the application to the Development Review Board based upon the alternate date and route.

Sec. 15-181. *Dissemination of permit application:* The City Clerk, or his designee, shall disseminate copies of the permit application immediately upon receipt to each of the members of the Development Review Board, and to the City's Office of Special Events. If any of the members of the Development Review Board or their departments, or the Office of Special Events, has any information that the proposed parade or public assembly does not meet the criteria or standards set forth in Section 15-182, written objections must be sent to the City Clerk within three (3) business days and the City Clerk will within 24 hours of receiving the objections forward them to the Development Review Board.

Sec. 15-182. *Issuance of permit:* Within 5 business days of the filing of the permit application, the Development Review Board after considering any relevant written recommendations or objections by the various City departments shall approve the issuance of a permit if it finds the following:

1. The applicant has complied with all the requirements of this ordinance and any rules or regulations promulgated hereunder.
2. The proposed parade or public assembly will not substantially or unnecessarily interfere with traffic in the area contiguous to the activity or that if the proposed parade or public assembly will substantially interfere with such traffic, that there are available at the time of the proposed parade or public assembly sufficient City resources to mitigate the disruption;
3. There is available at the time of the proposed parade or public assembly a sufficient number of peace officers to police and protect lawful participants in the proposed parade or public assembly and non-participants from traffic-related hazards in light of the other demands for police protection at the time of the proposed parade or public assembly;
4. The concentration of persons, animals, vehicles or things at the proposed parade or public assembly and disbanding areas and along the proposed parade or public assembly route will not prevent proper fire and police protection or ambulance service;
5. The proposed parade or public assembly is not being conducted for an illegal purpose;
6. The applicant has not on prior occasions made material misrepresentations regarding the nature or scope of an outdoor special event, parade or public assembly previously permitted, has not violated the terms of prior permits issued to or on behalf of the applicant, has not been convicted of violating this ordinance and is not indebted to the City of Waukegan for monies due under this ordinance arising out of previous parades, public assemblies or outdoor special events.
7. The proposed parade or public assembly will not interfere with the use of the requested area by another party to whom a valid permit has been issued for the same area or route; and
8. The application contains sufficient information about the proposed route and crowd estimate to enable the Development Review Board to evaluate the proposed activity under this ordinance.

Sec. 15-183. Denial of permit and appeal: If the Development Review Board disapproves the application it shall provide by facsimile transmission or telephonically and by mail directed to the applicant within six (6) business days after the date upon which the applicant was filed, a notice of the Board's action, stating the facts and conclusions which are the basis for the denial of the permit. Any applicant who believes that his application is wrongfully disapproved may appeal to the Mayor the propriety of said action by written notice of the intent to appeal setting forth the reasons that his application was wrongfully denied. If no appeal is filed within three (3) business days after the date notice of the Development Review Board's decision is given, that decision is final. Upon the filing of such appeal, the Mayor, or his designee, shall cause a hearing to be held within three (3) business days and based upon the evidence contained in the record of such hearing, either affirm or reverse the decision of the Development Review Board no later than two (2) business days after the hearing. Any final decision of the Mayor shall be subject to judicial review in accordance with applicable law. In the event that the Development Review Board, fails to act within six (6) business days after the date upon which the application was filed, or the Mayor, or his designee, fails to act timely in either holding a hearing or issuing a decision regarding the appeal, said application for a permit shall be deemed approved and the permit deemed granted in conformance with the application, except that if the date and time contained in the application have passed, the date and time of the proposed parade or public assembly shall be rescheduled in accordance with the terms of Section 15-184.

Sec. 15-184. Issuance of alternate permit upon denial: The Development Review Board, in denying an application for a parade or public assembly permit because there is a conflict with another parade or public assembly previously permitted as to date or route, shall authorize the conduct of the parade or public assembly on a date, at a time, at a location, or over a route different from that named by the applicant, if requested to do so by the applicant after receiving notice of the denial of his application. This permit shall, to the extent practicable, authorize an event that will have comparable public visibility and a similar route, location and date to that of the proposed event. An applicant desiring to accept an alternate parade or public assembly permit shall, within three (3) business days after notice of the action by the Development Review Board file a written notice of acceptance with the City Clerk. An alternate parade or public assembly permit shall conform to the requirements of and shall have the effect of a parade or public assembly permit.

Sec. 15-185. Limitation on scope of permit: The Development Review Board is empowered to limit the parade or public assembly to the sidewalk or to one or more traffic lanes of the street where it is determined that such limited area is capable of accommodating the number of people reasonably anticipated based upon the information submitted by the applicant and the experience of previous comparable events. In the event that the number of persons in attendance exceeds anticipated levels, members of the police department are authorized to make reasonable accommodation to increase the portion of the public way made available in order to preserve public health and safety.

Sec. 15-186. *Revocation of permit:* The Development Review Board may at any time revoke a parade or public assembly permit if the operation of the parade or public assembly is in violation of this ordinance or any other applicable law, if it finds that any material information on the application is false, or if such revocation is necessary to preserve the health or safety of the public. Written notice of the revocation with the reasons therefore shall be mailed to or served upon the promoter, sponsor or organizer of the parade or public assembly at the time of revocation. Any applicant who believes that his permit is wrongfully revoked may appeal said revocation in accordance with Section 15-183.

Sec. 15-187. *Applications for spontaneous parades or public assemblies.* The Development Review Board, where the purpose of the parade or public assembly is a spontaneous response to a current event or where other good and compelling cause is shown by the applicant, may consider any application for a parade or public assembly permit which is filed less than seven (7) days before the date such parade or public assembly is proposed to be conducted.

DIVISION 3. OUTDOOR SPECIAL EVENTS.

Sec. 15-188. *Outdoor special event permit:* No person or organization shall promote, sponsor or conduct an outdoor special event unless the person or organization obtains an outdoor special event permit in advance from the Development Review Board.

Sec. 15-189. *Permit application:* A person, partnership, voluntary association, corporation or other organization seeking to obtain an outdoor special event permit shall file an application with the City Clerk not less than fourteen (14) business days before the date for which the outdoor special event is proposed to be conducted. The City Clerk where good and compelling cause is shown may accept any application for an outdoor special event permit which is filed less than fourteen (14) days before the date that such outdoor special event is proposed to be conducted. Applications must be filed no earlier than one year prior to the date of the outdoor special event. The application shall include the following information which must be promptly updated by the applicant as circumstances change:

1. The name and address and daytime phone number of the promoter, sponsor or organizer of the event, and the name, address, telephone number, fax number (if available) and cell or mobile number (if available) of an authorized and responsible agent of the organization;
2. A description of the outdoor special event that will be conducted;
3. The dates, times and location of the outdoor special event, including any requests for street closures;
4. A site plan;
5. The estimated attendance for the outdoor special event;
6. Whether food, alcoholic beverages or merchandise will be sold at the outdoor special event;
7. Whether music will be played at the outdoor special event and if so, whether such music will be electronically amplified. If

electronically amplified music will be played, the applicant shall also submit an appropriate plan for the control of sound at the event;

8. Plans for event security, including the number, hours and location of deployment of personnel and equipment that will be provided by the applicant and what special City services, if any, the outdoor special event will require;
9. The name, address and telephone number of all food vendors; alcoholic beverage vendors; and/or itinerant merchants who will be participating in the outdoor special event; and
10. Such other information that may be reasonably necessary to determine compliance with this ordinance.

All information provided on the application shall be complete and truthful. If, prior to the event, the promoter, sponsor or organizer of the outdoor special event changes any of the information required by this section that would necessitate additional City equipment, personnel or services or would require approval from any City department, the promoter, sponsor or organizer of the outdoor special event must submit an amended application to the City Clerk no later than fourteen (14) days prior to the date the outdoor special event is scheduled to begin.

The City Clerk may return to the applicant any application that is incomplete or contains insufficient information. In returning the application, the Clerk shall specify what additional information must be provided in a new or amended application.

Multiple applications: All applications for any permit filed hereunder shall be processed on a first-in-time basis.

Sec. 15-190. Application fee: The applications for an outdoor special event shall be accompanied by a non-refundable processing fee of \$40.00.

Sec. 15-191. Dissemination of permit applications: The City Clerk, or his designee, shall disseminate copies of the permit application immediately upon receipt to each of the members of the Development Review Board, and to the City's Office of Special Events. If any of the members of the Development Review Board or their departments, or the Office of Special Events, has any information that the proposed outdoor special event does not meet the criteria or standards set forth in Section 15-192, written objections must be sent to the City Clerk within seven (7) business days and the City Clerk will within 24 hours of receiving the objections forward them to the Development Review Board.

Sec. 15-192. Issuance of permit: Within ten (10) business days of the filing of the permit application the Development Review Board shall approve the issuance of a permit for the outdoor special event or a conditional permit if, after considering any relevant written recommendations or objections by the various City departments, it determines that:

1. The applicant has complied with all the requirements of this ordinance and any rules or regulations promulgated thereunder;

2. The proposed outdoor special event will not substantially or unnecessarily interfere with traffic in the area;
3. The proposed outdoor special event will not substantially or unnecessarily interfere with any publicly managed infrastructure project;
4. There will be available at the time of the proposed outdoor special event a sufficient number of peace officers to police and protect lawful participants in the proposed outdoor special event;
5. The concentration of persons or things at the proposed outdoor special event will not prevent proper fire and police protection or ambulance service;
6. The proposed outdoor special event is not being conducted for an illegal purpose;
7. The applicant or the person on whose behalf the application for permit was made has not on prior occasions made material misrepresentations regarding the nature or scope of a parade, public assembly or outdoor special event previously permitted under this ordinance and has not violated the terms of prior permits issued to or on behalf of the applicant, has not been convicted of violating this Ordinance, and is not indebted to the City of Waukegan for monies due under this ordinance arising out of previous parades, public assemblies or outdoor special events.
8. The proposed outdoor special event will not subject the surrounding neighborhood to an unreasonable degree of noise, litter or parking difficulties in light of the character of the neighborhood;
9. The proposed outdoor special event will not conflict with a parade, public assembly or other outdoor special event which has been previously scheduled;
10. The proposed outdoor special event will not require City services that cannot reasonably be made available; and
11. If the application is for an athletic event for which fees will be charged for participation, the proposed athletic event will be in the best interests of the City in light of: (i) the apparent ability of the applicant to comply with the requirements of this ordinance; and (ii) the willingness and financial ability of the applicant to conduct the proposed outdoor special event in a manner appropriate to the type of event, and to pay any prizes that the applicant has advertised or is likely to advertise. In making a determination under this paragraph, the Development Review Board may consider the experience of the applicant in conducting the same or similar events, and may require additional information from the applicant with respect to the proposed outdoor special event and the applicant's financial situation.
12. If proof of insurance and/or indemnity has been required, it has been provided.

No permit issued under this ordinance may authorize the operation of an outdoor special event for a period longer than three days.

Sec. 15-193. *Approval of application:* The Development Review Board shall inform an applicant for an outdoor special event permit whether the application is approved or disapproved within twelve (12) business days after the application and any amendments are received by the City Clerk. If the Development Review Board approves the application, it shall either: (1) approve the issuance of a conditional outdoor special event permit until all necessary licenses are issued, required plans approved, fees paid, and costs prepaid or bonds posted; or (2) if all necessary licenses have been issued, required plans approved, fees paid, and costs prepaid or bonds posted, approve the issuance of an outdoor special event permit. If the Development Review Board disapproves the application, it shall provide written notice of its action within such time, stating the facts and conclusions that are the basis for its denial of the permit. If the Development Review Board fails to act within twelve (12) business days after the date upon which the application and any amendments were received by the City Clerk, the application shall be approved and a conditional permit deemed granted in conformance with the application until all necessary licenses are issued, required plans approved, fees paid, and costs prepaid or bonds posted at which time the conditional permit shall become an outdoor special event permit.

Sec. 15-194. *Denial of permit and appeal:* If the Development Review Board disapproves the application, it shall provide by facsimile transmission or telephonically and by mail directed to the applicant within twelve (12) business days after the date upon which the application was filed, a notice of the Board's action, stating the facts and conclusions which are the basis for the denial of the permit. Any applicant who believes that his application is wrongfully disapproved may appeal to the Mayor the propriety of said action by written notice of the intent to appeal setting forth the reasons that his application was wrongfully denied. If no appeal is filed within three (3) business days after the date notice of the Development Review Board's decision is given, that decision is final. Upon the filing of such appeal, the Mayor, or his designee, shall cause a hearing to be held within three (3) business days and based upon the evidence contained in the record of such hearing, either affirm or reverse the decision of the Development Review Board no later than two (2) business days after the hearing. Any final decision of the Mayor shall be subject to judicial review in accordance with applicable law. In the event that the Development Review Board fails to act within twelve (12) business days after the date upon which the application was filed, or the Mayor, or his designee, fails to act timely in either holding a hearing or issuing a decision regarding the appeal, said application for a permit shall be deemed approved and the permit deemed granted in conformance with the application, except that if the date and time contained in the application have passed, the date and time of the outdoor special event shall be rescheduled in accordance with the terms of Section 15-192.

Sec. 15-195. *Conversion of Conditional Permit to Outdoor Special Event Permit:* No later than 14 days prior to the date the outdoor special event is scheduled to begin, the sponsor of the outdoor special event shall submit all applications for any necessary licenses, including alcoholic beverages, food and/or itinerant merchant licenses, to the City's License Administrator. As soon as is practicable thereafter, the City's License Administrator shall notify the applicant and the Development Review Board whether a license application has been approved or, in the event a license application has been

denied, the Development Review Board shall issue a written denial of the outdoor special event permit stating that the required licenses were not obtained by the applicant. If the Development Review Board has previously approved the issuance of a conditional permit, then within three (3) business days after the appropriate licenses have been issued and are received by the Development Review Board, and all required plans approved, fees paid and costs prepaid or bonds posted, or sooner if the event will occur sooner and doing so is reasonably practicable, the outdoor special event permit shall be granted.

Sec. 15-196. *Revocation of permit:* The Development Review Board may at any time revoke an outdoor special event permit if the operation of the event is in violation of this ordinance or any other applicable law, if it finds that any material information on the application is false, or if such revocation is necessary to preserve the health or safety of the public. Written notice of the revocation with the reasons therefore shall be mailed to or served upon the promoter, sponsor or organizer of the outdoor special event at the time of revocation. Any applicant who believes that his permit is wrongfully revoked may appeal said revocation in accordance with Section 15-194.

Sec. 15-197. *Representative presence required to ensure compliance:* The holder of the permit for the outdoor special event shall have a representative present at all times during the outdoor special event who shall be responsible for ensuring compliance with all applicable ordinances and regulations and for accepting all notices of violations and closure orders.

Sec. 15-198. *Clean up:* During the conduct of the outdoor special event, the holder of the permit for the outdoor special event shall keep the public way clean and free from paper, debris or refuse, and upon termination of the permit by lapse of time or otherwise, the holder shall remove all materials and equipment and clean the public way. If the public way has been damaged by the action of the holder or any person under his, her or its control, the holder shall repair and restore it to its condition prior to the outdoor special event.

Sec. 15-199. *Accessibility of emergency vehicles:* Whenever an outdoor special event permit requires the closure of a street, a clear path of not less than fifteen feet must be maintained at all times to provide for the passage of emergency vehicles.

Sec. 15-200. *Responsibility for licensing of vendors:* The holder of the permit for the outdoor special event shall be responsible for ensuring that each vendor shown on the application obtains the proper license. In the event that an unlicensed or improperly licensed vendor is found at the outdoor special event, the holder shall be fined pursuant to this ordinance for each unlicensed or improperly licensed vendor. This shall be in addition to any fines and/or penalties that may be issued to the individual vendor.

DIVISION 4. NEED FOR CITY SERVICES AND FINANCIAL GUARANTEES

Sec. 15-201. *City equipment, personnel or services:* Within five (5) days of receipt of an application for a parade, public assembly or outdoor special event, the commander of the traffic division shall review the applicant's security plan, including provisions made for private security personnel and for handling emergencies, and, in consultation with the necessary departments of the City, shall determine whether the applicant has planned for and provided sufficient personnel and equipment to protect the health and safety of parade, public assembly or outdoor special event attendees, or whether the City will need to provide additional personnel or equipment. The determination of the need for additional equipment, or personnel shall be based on considering the following factors: the expected pedestrian and vehicular traffic and congestion, estimated attendance, length of parade, public assembly or outdoor special event, time of day of the parade, public assembly or outdoor special event, whether food or alcohol will be served, density of area, size of area, number of street closures and affected intersections and any other considerations the traffic commander reasonably believes should be considered. If the traffic commander determines that the City will be required to provide equipment or personnel for the parade, public assembly, or outdoor special event, the Development Review Board shall calculate the incremental expenses and costs, if any, of supplying the equipment or personnel for the parade, public assembly or outdoor special event and shall charge the applicant for said incremental expenses and costs based on the formulas set out in Sec. 15-202 A and B below; provided that the charge to the applicant shall exclude the incremental expenses and costs, if any, for equipment or personnel required for any anticipated or actual protesters to the parade, public assembly or outdoor special event, any anticipated or actual counter-demonstrations, any anticipated or actual crowd reaction to the message of the parade, public assembly or outdoor special event or the identity or viewpoint of the holder of the permit for the parade, public assembly or outdoor special event.

Sec. 15-202. *Formula for Determining Incremental Expenses and Costs:*

- A. **Use of City Personnel.** The rates for use of City personnel shall be established by the Development Review Board, based on the salaries attached to the job classifications of the City employees who provide services for the parade, public assembly or outdoor special event, including applicable benefits and overtime pay.
- B. **Use of City Equipment.** The costs charged for the use of City equipment shall be equal to the hourly rate established by the Director of Public Works for each piece of City equipment so assigned times the number of hours use such equipment was actually in use for the parade, public assembly or outdoor special event. The rates shall as much as practicable be based on the fair market rental value of the equipment as determined by the Director of Public Works.

Sec. 15-203. *Bond:* The applicant for an outdoor special event permit shall post a bond to cover, or at the applicant's option, shall prepay, the total amount of the incremental expenses and costs estimated by the Development Review Board, prior to issuance of an outdoor special event permit. Within 20 business days after the conclusion of the outdoor special event, the Development Review Board shall calculate the actual incremental expenses and costs chargeable to the applicant and obtain such

costs from the bond, if a bond was provided, or remit any overpayment if prepayment was made, and shall provide to the holder of the permit for the outdoor special event an itemized statement of such costs and expenses. In the event that the actual costs and expenses exceed the total amount of the bond or the amount of the prepayment, the holder shall remit the amount of the additional costs and expenses to the City within ten (10) days of being informed by receipt of invoice of said amount due by the Development Review Board. This section shall not apply to permits for parades or public assemblies.

Sec. 15-204. *Insurance:* The applicant for an outdoor special event shall provide a certificate of insurance evidencing general commercial liability insurance naming the City as an additional insured and the amount of the insurance prior to the issuance of an outdoor special event permit. In determining the amount of any insurance required, the Development Review Board shall consider the criteria and standards set forth in this ordinance and any other criteria and standards that the Development Review Board reasonably believes are relevant to its determination. In making a determination of how much insurance to require, the Development Review Board shall not consider any anticipated or actual protesters to the outdoor special event, any anticipated or actual counter-demonstrations, any anticipated or actual crowd reaction to the message of the outdoor special event or the identity or viewpoint of the permit applicant. Each insurance policy required by this section shall include a provision to the effect that it shall not be subject to cancellation, reduction in the amounts of its coverages, or other material changes. Each applicant shall maintain the insurance required by this subsection in full force and effect for the duration of the permit period. Failure of the holder to maintain such insurance during the periods indicated above shall result in automatic revocation of the permit for the outdoor special event. For the purposes of this subsection, the insurance coverage provided shall include the time required for construction and removal of all materials and equipment provided for the conduct of the outdoor special event until the public way has been cleared and restored as provided in Section 15-198. This section shall not apply to permits for parades or public assemblies.

Sec. 15-205. *Indemnification and reimbursement agreement:* No permit for a parade, public assembly or outdoor special event shall be issued unless the applicant shall have executed an agreement with the City, on a form prescribed by the Development Review Board, in which the applicant shall promise and covenant to pay all incremental expenses and costs chargeable to the applicant and to defend, hold harmless and indemnify the City from all losses, damages, injuries, claims, demands and expenses, including reasonable attorneys fees, in connection with the parade, public assembly or outdoor special event proximately caused by the action of the applicant, the holder of the permit for the parade, public assembly or outdoor special event or any person under his, her or its direction or control. The incremental expenses and costs chargeable to the applicant shall not include costs or expenses arising from any anticipated or actual protesters to the parade, public assembly or outdoor special event, any anticipated or actual counter-demonstrations, any anticipated or actual crowd reaction to the message of the parade, public assembly or outdoor special event or the identity or viewpoint of the permit applicant.

Sec. 15-206. *Waiver of requirements:* Any requirements for the permit fee, bond, indemnification and reimbursement agreement, or certificate of insurance shall be waived by the Development Review Board if the parade, public assembly or outdoor special event is protected by the First Amendment of the United States Constitution and the requirement would be so financially burdensome that it would preclude the applicant from conducting the proposed parade, public assembly or outdoor special event. Application for a waiver of an application fee or a certificate of insurance shall be made on a form prescribed by the Development Review Board and must include an affidavit by the applicant and sufficient financial information about the applicant to enable the Development Review Board to determine whether the requirement(s) would be so financially burdensome that it would preclude the applicant from conducting the proposed parade, public assembly or outdoor special event. If no written denial of waiver is issued within seven (7) days of the date on which the application for such waiver is fully completed, executed and filed with the City Clerk, the waiver request shall be deemed approved, contingent upon the applicant complying with all other permit requirements. Denials of requests for such waivers shall be subject to the appeal procedures contained in this ordinance. In no event shall the costs and expenses, if any, chargeable to the applicant pursuant to Sec. 15-201 be waivable.

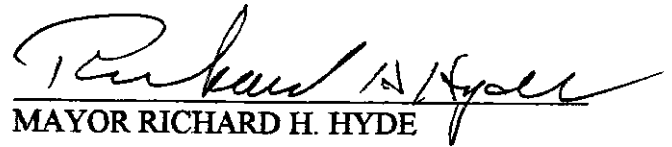
DIVISION 5. PENALTY AND SEVERABILITY

Sec. 15-207. *Penalty.* For any violation of the parade, public assembly or outdoor special event permit or the rules and regulations promulgated under this division of the ordinance, including the failure to amend the permit application if required in this ordinance, the holder of the permit for the parade, public assembly or outdoor special event shall be fined not less than \$50.00 or more than \$750.00 for each violation. Each day that an offense occurs is a separate violation for the purposes of this Section.

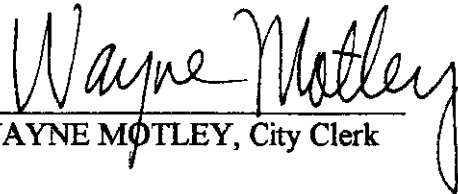
Sec. 15-208. *Severability:* If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 2: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.


MAYOR RICHARD H. HYDE

ATTEST:


WAYNE MOTLEY, City Clerk

Presented and read at a regular meeting of the Waukegan City Council on the 3rd day of
March, 2008

Passed and approved at a regular meeting of the Waukegan City Council on the 3rd day of
March, 2008

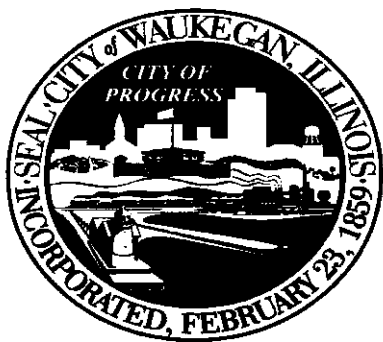
ROLL CALL: Aldermen Figueroa, Newsome, TenPas, Needham, Larsen, Rivera, Cunningham,
Balen and Moisió

AYES: Aldermen Figueroa, Newsome, TenPas, Needham, Larsen, Rivera, Balen and Moisió

NAYS: Alderman Cunningham

ABSENT: None

ABSTAIN: None



City of Waukegan Illinois

Outdoor Special Event Application

Please complete all pages of this application and return it
no later than fourteen (14) days prior to your event to:
City of Waukegan City Clerk
100 N. Martin Luther King Jr. Ave
p(847) 599-2513
fax (847) 360-9744

PART ONE

1. Name of Event _____

2. Date(s) of Event _____

3. Start Time _____ End Time _____

4. Location of Event _____

(Please provide a site plan of the location and the
activities that will take place)

5. Give a brief description of event:

6. Estimated Attendance _____

7. Are you requesting any street closures? Names of
streets: _____

PART TWO

1. Name of Sponsoring Organization _____

2. Organization Address _____ City _____
Daytime Ph. # _____ Cell/Mobile # _____
Fax # _____

3. Contact Person or Organizer's Name _____
Address _____ City _____
Daytime Ph. # _____ Cell/Mobile # _____
Fax # _____

Statement of Applicant:

I have read the City of Waukegan Parade, Public Assembly and Outdoor Special Events Ordinance (Ord. 08- O - 30) and I agree to abide by all its terms and conditions.

All the information contained in this application is true and correct.

4. Applicant's Signature _____
Print name _____

*Please provide a map of the location and the activities that will take place.

*Please provide a flyer or any additional detailed information for the event.

PART THREE

1. Will alcoholic beverages, food, and/or merchandise be served or sold at the event?

Alcoholic beverages: Yes _____ No _____
If yes, what type of alcoholic beverages? _____

Food: Yes _____ No _____
Merchandise: Yes _____ No _____

Please provide name, address, and ph. contact #s of all vendors, including food, beverage and merchandise.

2. Will there be exhibitors?
Yes _____ No _____

If yes, what type of exhibitors:

(If you answered yes to any of the above questions, you must apply for and receive the appropriate license(s) and insurance. Contact the City Collector for further information.)

3. Will there be music? If yes, will music be electronically amplified? If yes, please submit a sound control plan.

4. Plans for event security, including number, hours and location of deployment of security personnel:

5. Insurance and Bond Company's Certificate Number:

____ In lieu of bond, applicant will prepay for City services

Amount\$_____ (to be determined by Development Review Board per ordinance)

6. Has the Development Review Board waived the permit fee and/or requirement for Certificate of Insurance pursuant to an Application for same under Sec. 15-206 of the Ordinance?

7. Has the applicant signed an Indemnification and Reimbursement Agreement with the City? (Attach copy)

PART FOUR

Do you anticipate needing any of the following City of Waukegan Services:

Public Works Yes_____ No_____

Fully describe what is needed:

Police Yes_____ No_____

Fully describe what is needed:

Fire/Rescue Yes_____ No_____

Fully describe what is needed:

Other Yes_____ No_____

Fully describe what is needed:

PLEASE NOTE: NO CITY SERVICES WILL BE PROVIDED UNTIL ALL FEES AND COSTS ARE PAID IN ADVANCE OR A BOND COVERING THE ANTICIPATED COST OF CITY SERVICES IS PROVIDED.

FOR OFFICE USE ONLY

Date Application Received _____

Was the application filed fourteen (14) days prior to event date? Yes _____
No _____

PROJECTED COSTS & RELATED TASKS

	Dept. Head Signature	Costs
Special Events	_____	_____
Police	_____	_____
Public Works	_____	_____
Fire/Rescue	_____	_____

DRB Approval Date

Flyer Included

Map Included

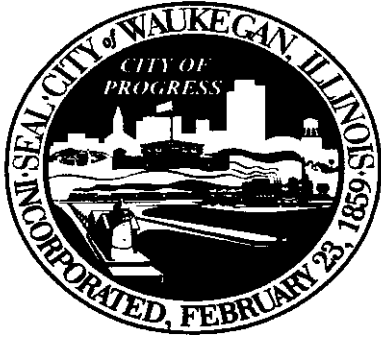
Insurance Certificate

Bond for costs or prepaid

Indemnification and Reimbursement Agreement

Application for Waiver of Financial Requirements, if applicable

If you have any questions, please call the Office of Special Events at (847) 599-2949.



City of Waukegan Illinois

Parade or Public Assembly Application

Please complete all pages of this application and return it no later than seven (7) days prior to your event to:

City of Waukegan City Clerk
100 N. Martin Luther King Jr. Ave
p(847) 599-2513
fax (847) 360-9744

PART ONE

1. Name of Event _____

2. Date(s) of Event _____

3. Start Time _____ End Time _____

4. Location: Street address of assembly area: _____

Street address of disbanding area: _____

5. Give a brief description of event:

6. Approximate # of persons participating _____

Approximate # of vehicles _____

Approximate # of floats _____

On what basis are these estimates made?

Please provide a route map for the parade or public assembly, including sidewalks and/or lanes of traffic that will be occupied.

Do you have an alternate route if this route is already being used by another parade or public assembly on the date and time in question?

7. Are you requesting any street closures? Names of streets: _____

8. Please list (type and number) of animals that will be included.
Dangerous animals are prohibited per City of Waukegan ordinance.

PART TWO

1. Name of Sponsoring Organization _____
2. Organization Address _____ City _____
Daytime Ph. # _____ Cell/Mobile # _____
Fax # _____
3. Contact Person or Organizer's Name _____
Address _____ City _____
Daytime Ph. # _____ Cell/Mobile # _____
Fax # _____

Statement of Applicant:

I have read the City of Waukegan Parade, Public Assembly and Outdoor Special Events Ordinance (Ord. 08- O - 30) and I agree to abide by all its terms and conditions.

All the information contained in this application is true and correct.

4. Applicant's Signature _____
Print name _____

PART THREE

1. Insurance and Bond Company's Certificate Number:
_____ In lieu of bond, applicant will prepay for City services
Amount \$ _____ (to be determined by Development Review
Board per ordinance)
2. Has the Development Review Board waived the permit fee and/or requirement for Certificate of Insurance pursuant to an Application for same under Sec. 15-206 of the Ordinance?
3. Has the applicant signed an Indemnification and Reimbursement Agreement with the City? (Attach copy)

PART FOUR

Do you anticipate needing any of the following City of Waukegan Services:

Public Works Yes_____ No_____

Fully describe what is needed:

Police Yes_____ No_____

Fully describe what is needed:

Fire/Rescue Yes_____ No_____

Fully describe what is needed:

Other Yes_____ No_____

Fully describe what is needed:

PLEASE NOTE: NO CITY SERVICES WILL BE PROVIDED UNTIL ALL FEES AND COSTS ARE PAID IN ADVANCE OR A BOND COVERING THE ANTICIPATED COST OF CITY SERVICES IS PROVIDED.

FOR OFFICE USE ONLY

Date Application Received_____

Was the application filed seven (7) days prior to event date? Yes_____ No_____

PROJECTED COSTS & RELATED TASKS

	Dept. Head Signature	Costs
Special Events	_____	_____
Police	_____	_____
Public Works	_____	_____
Fire/Rescue	_____	_____

DRB Approval Date

Flyer Included

Map Included

Insurance Certificate

Bond for costs or prepaid

Indemnification and Reimbursement Agreement

Application for Waiver of Financial Requirements, if applicable

If you have any questions, please call the Office of Special Events at (847) 599-2949.

INDEMNIFICATION AND REIMBURSEMENT AGREEMENT

This Agreement is made and entered into this ____ day of _____, 2008, by and between _____, applicant for a permit for a parade, public assembly or special event, and the City of Waukegan;

In accordance with the requirements of the City of Waukegan Parade, Public Assembly and Special Events Ordinance (Ord. 08- O – 30), and in consideration of the issuance of a permit for such event by the City of Waukegan and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged,

_____ (hereinafter also “Applicant”) agrees as follows:

1. _____ agrees to indemnify, defend and hold harmless the City of Waukegan, and its respective officers, agents and employees from and against any and all injuries, liabilities, losses, damages, costs, payments and expenses of every kind and nature (including court costs and reasonable attorneys’ fees) and any claims, demands, actions, suits, proceedings, judgments, or settlements related thereto relating to or occurring in connection with the issuance of a permit for a parade, public assembly, or special event to be held as specified in the application filed with the City of Waukegan by the Applicant. This indemnification shall also inure to the benefit of the City of Waukegan in conjunction with any costs resulting from or proximately caused by the action of the applicant, the holder of the permit for the event or any person under his, her or its direction or control.

2. Applicant also agrees to pay all incremental expenses and costs chargeable to him, her or it, under the terms of the City's Parade, Public Assembly and Special Events Ordinance (Ord. 08 – O – 30). (Sec. 15-201, *et seq*)

In witness whereof, the applicant has signed, sealed and delivered this instrument on the date it bears.

Authorized Signatory

[SEAL]
Attest: (if a corporation)

Authorized Corporate Officer

To the Development Review Board, City of Waukegan
DATE:

APPLICATION FOR WAIVER OF FINANCIAL REQUIREMENTS UNDER
THE CITY OF WAUKEGAN PARADE, PUBLIC ASSEMBLY AND OUTDOOR
SPECIAL EVENTS ORDINANCE (Ord. 08 – O – 30)

_____, [name of applicant/organization] in conjunction with its application for a Parade, Public Assembly or Special Event Permit from the City of Waukegan, hereby makes application for a waiver of the financial requirements of the City's ordinance governing those events, and in support thereof states under oath as follows:

1. The proposed parade, public assembly or outdoor special event is protected by the First Amendment of the United States Constitution, and
2. The City's requirement to pay a: _____ permit application fee _____ bond _____ provide a certificate of insurance and/or _____ sign an indemnification and reimbursement agreement would be so financially burdensome that it would preclude the undersigned from conducting the proposed parade, public assembly or outdoor special event.
3. Please completely fill out the attached financial information form which will allow the Development Review Board to determine burdensome effect.

I hereby certify that all the information contained in this Application for Waiver of Financial Requirements and also all Supporting Information submitted herewith is true and correct.

SIGNED:

Applicant

SUBSCRIBED and SWORN TO
BEFORE ME this _____ day of
_____, 20__.

Notary Public.

**CITY OF WAUKEGAN PARADE, PUBLIC ASSEMBLY AND OUTDOOR
SPECIAL EVENTS PERMIT APPLICATION
WAIVER OF FINANCIAL REQUIREMENTS**

SUPPORTING FINANCIAL INFORMATION

Under the City of Waukegan Parade, Public Assembly and Outdoor Special Events Ordinance (08 – O - 30), you may qualify for a waiver of the financial requirements of the Ordinance, if your activity is protected by the First Amendment to the United States Constitution, and your household income is less than the threshold amount set forth below, or, if the applicant is an organization, it is a registered 501(c)(3) not-for-profit corporation. Please fill out this form completely.

INDIVIDUALS:

Applicants that are individuals (not corporations) fill out this table as follows: Circle your household size on the first line. Look at the number in the box below it. If you make less than that number, mark “less” in that column only. If you make more, mark “more” in that column only. You should have only one “X” on the chart.

Circle your current household size	1	2	3	4	5	6	7	8
Household income for the last calendar year by size	\$36,750	\$42,000	\$47,250	\$52,500	\$56,700	\$60,900	\$65,100	\$69,300
I/We make LESS (X)								
I/We make MORE (X)								

If you make less than the income figure for your household size in the chart above, complete the rest of the application below. If not, you do not qualify for a waiver, and must comply with all the financial requirements of the Ordinance.

Name of Applicant _____

Spouse and dependents names and ages _____

Address _____

Home Phone _____ Work Phone _____

Total Household Income _____

The following documentation must be submitted to qualify for assistance: your most recently filed federal tax return.

CORPORATIONS OR GROUPS:

Are you a registered 501(c)(3) corporation? _____yes _____no

If yes, please attach most recent 990 filing.

If no, describe the nature of your group below: