



# City of Chicago



SO2022-394

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Office of the City Clerk

## Document Tracking Sheet

<b>Meeting Date:</b>	1/26/2022
<b>Sponsor(s):</b>	Lightfoot (Mayor)
<b>Type:</b>	Ordinance
<b>Title:</b>	Amendment of Municipal Code Section 10-8-335 regarding permit application process for outdoor special events
<b>Committee(s) Assignment:</b>	Committee on Special Events, Cultural Affairs and Recreation

**SUBSTITUTE ORDINANCE****BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

**SECTION 1.** Section 10-8-335 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

**10-8-335 Outdoor special events.**

*(Omitted text is unaffected by this ordinance)*

(c) Unless the special event is to be conducted in January or February or is submitted pursuant to an online submission process authorized by the Department, applications for a permit under this section must be filed in the calendar year in which the event is to take place. If the event is to take place in January or February, the application must be filed no earlier than one year prior to the event. Except as otherwise provided in paragraph (6) of this subsection (c), each application submitted by the sponsor of an outdoor special event shall be accompanied by a nonrefundable processing fee of:

- (1) \$100.00, if the application is submitted more than sixty days prior to the event;
- (2) \$200.00, if the application is submitted between fifty-nine and forty-five days prior to the event;
- (3) \$500.00, if the application is submitted between forty-four and thirty-seven days prior to the event;
- (4) \$1,000.00, if the application is submitted between ~~twenty-nine and twenty-two~~ thirty-six and twenty-nine days prior to the event; and
- (5) \$2,000.00, if the application is submitted between ~~twenty-one and fourteen~~ twenty-eight and twenty-one days prior to the event.

(6) If the special event is an independent farmers market, the applicable permit fee otherwise required under this subsection (c) shall be waived in its entirety. Provided, however, that such waiver shall not include any applicable fees required to be paid pursuant to subsection (d) or ~~(e)~~(p) of this section or any other section of this Code.

No application for a special event permit shall be accepted less than ~~fourteen~~ twenty-one days prior to the special event.

The application shall include the following information:

- (1) the name and address of the sponsor of the event, and the name, address and telephone number of an authorized and responsible agent of the organization;
- (2) a description of the special event that will be conducted;
- (3) the dates, times and location of the special event, including any requests for street closures, and a site plan;

- (4) the estimated attendance for the special event;
- (5) whether food, alcoholic beverages or merchandise will be sold at the event;
- (6) whether music will be played at the 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;
- (7) 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 special event will require;
- (8) the proof of insurance and agreement to indemnify, defend and hold harmless required by subsections ~~(n)~~(m) and ~~(e)~~(n), respectively;
- (9) the number of all food vendors; alcoholic beverage vendors; and/or itinerant merchants who will be participating in the special event;
- (10) such other information that may be reasonably necessary to determine compliance with this Code.

All information provided on the application shall be complete and truthful. If, prior to the event, the sponsor of the event changes any of the information required by subsection (c) that would necessitate additional city services or would require approval from any city department, the sponsor of the event must submit an amended application to the ~~department~~ Department no later than 45 days prior to the date the event is scheduled to begin.

(d) The ~~department~~ Department shall promptly send copies of all applications for a special event permit to the following alderman and departments, for the purpose of obtaining input on the factors set forth in (f):

- (1) the ~~department of business affairs and consumer protection~~ Department of Business Affairs and Consumer Protection;
- (2) the ~~department of police~~ Department of Police;
- (3) the ~~fire department~~ Fire Department;
- (4) the ~~department of streets and sanitation~~ Department of Streets and Sanitation;
- (5) the ~~department of transportation~~ Department of Transportation;
- (6) ~~the department of law;~~ the Department of Public Health;
- (7) the ~~office of emergency management and communications~~ Office of Emergency Management and Communications; and-
- (8) the alderman of the ward where the special event will take place.

If any of the above-listed alderman or departments have any information that the proposed special event does not meet the standards set forth in subsection ~~(f)~~(e), written objections must

be sent to the ~~department~~ Department within 20 days or the ~~department~~ Department will presume there are no aldermanic or departmental objections.

Within 20 days of receipt of the application, the ~~police department~~ Police Department commander of special events shall review the applicant's security plan, including provisions made for private security personnel and for handling emergencies, and shall determine whether the applicant has planned for and provided sufficient personnel and equipment to protect public safety at the event or whether the city will need to provide additional city police and traffic control personnel and equipment. The determination of the need for additional city police services shall be based on the expected pedestrian and vehicular traffic and congestion, considering the following factors: estimated attendance, density of area, size of area, number of street closures and affected intersections. If the commander of special events determines that the city will be required to provide more than 12 shifts of any combination of police officers and traffic control aides, then he or she shall calculate the estimated hourly cost for the personnel required for the event, and shall charge the applicant for such services in excess of 12 shifts; provided that, the charge to the applicant shall exclude any personnel hours related to any anticipated or actual crowd reaction to the message of the event or the identity of the sponsoring organization.

The applicant shall post a bond to cover or, at the applicant's option shall prepay, the total amount of the required chargeable city services which has been estimated by the ~~police department~~ Police Department, prior to issuance of a special event permit. Within 20 business days after the end of the event, the ~~department~~ Department shall calculate the actual city costs owed under this section, obtain such costs from the bond, if a bond was provided, or remit any overpayment if prepayment was made, and shall provide to the sponsor an itemized statement of such costs.

~~(e) Within three business days after an application for a special event permit is filed with the department, the department shall deliver a copy of the application to the alderman of the ward in which the special event is to take place and to the city council committee on special events, cultural affairs and recreation or its successor committee. Within five business days after an alderman receives a copy of an application for a permit under this section, the alderman may request the committee to conduct a hearing on the permit application. Such request may be made only when the alderman finds that the hearing will be useful in determining whether the application complies with the requirements of this chapter. Within two business days after the committee receives such request, the chairman of the committee shall notify the department of the scheduled hearing. In such case the department shall take no final action to approve or deny the application before the committee issues a report under this section or before the time during which a report may be issued under this subsection expires, whichever is earlier. At a hearing conducted under this subsection all interested persons, including the applicant, community residents and representatives of community groups, shall be given an opportunity to be heard. The committee shall also accept any relevant written testimony or documentation regarding the proposed special event.~~

~~After conducting such hearing, the committee may issue a report summarizing the issues that were addressed at the hearing and recommending approval or denial of the application. Any such report must be filed with the department not later than 25 days after the application was received by the alderman.~~

~~The committee's report on the permit application shall be based solely on the criteria described in subsection (f).~~

~~Any committee report recommending disapproval of a permit application must state the specific reasons for the recommendation, which reasons shall be consistent with an applicant's~~

~~constitutional rights contained in the First, Fifth and Fourteenth Amendments to the United States Constitution, and Sections 2 and 4 of Article I of the Illinois Constitution of 1970.~~

~~(f)(e)~~ The ~~department~~ Department will issue a permit for the special event, or a conditional permit pursuant to subsection ~~(g)(f)~~, if, after considering any relevant written recommendations or objections of the appropriate alderman and city departments, ~~and after considering any report issued by the committee on special events, cultural affairs and recreation or its successor committee under subsection (e)~~, it determines that:

(1) The applicant has complied with all of the requirements of this Code and any rules or regulations promulgated thereunder;

(2) The sponsor of the event has not been found guilty of four or more violations at the same event during that year or the previous year and has not been found guilty of six or more violations within a 180 day period;

(3) The proposed special event will not substantially or unnecessarily interfere with traffic in the area;

(3-A) The proposed special event will not substantially or unnecessarily interfere with any publicly managed infrastructure project;

(4) There are available at the time of the special event a sufficient number of peace officers to police and protect lawful participants in the event;

(5) The concentration of persons or things at the event will not prevent proper fire and police protection or ambulance service;

(6) The event is not being conducted for an unlawful purpose;

(7) The event will not subject the surrounding neighborhood to an unreasonable degree of noise, littering or parking difficulties in light of the character of the neighborhood;

(8) The event will not conflict with a parade, carnival, or other event which has been previously scheduled; and

(9) The special event will not require city services that cannot be reasonably made available.

~~(g)(f)~~ The Department shall inform an applicant for a special event permit whether the application is approved or disapproved within 35 business days after the application and any amendments are received by the Department. If the Department approves the application, it shall either (1) issue a conditional special event permit ~~pursuant to subsection (1)~~ 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, issue a special events permit. If the Department disapproves the application, it shall provide written notice of its action within such time, stating the specific facts and conclusions that are the basis for his denial of the permit. If the Department fails to act within 35 business days after the date upon which the application and any amendments were received

by the Department, the application shall be approved and the permit deemed granted in conformance with the application.

If the permit is for a special event that will require the closing of a street, the applicant shall pay an additional fee of \$100.00 per block per day if the street closure is in the Central Business District as described in Section 9-4-010, or \$50.00 per block per day in the rest of the City for each day the street will be closed. This fee does not apply to neighborhood block parties.

For the purposes of this section, "block" means both sides of the part of a street that lies between two or more intersecting streets, as the term "street" is defined in section 9-4-010 of this Code, up to the crosswalk bordering the intersection.

~~(h)~~(g) Except as otherwise provided in this subsection, preference among conflicting applications for special event permits shall be given to the application filed earliest. However, during the first ten business days of each calendar year, the ~~department~~ Department shall accept applications without giving preference to applications filed earliest. Any conflict among applications filed during that period shall be resolved by a lottery to be conducted by the department.

The ~~department~~ Department shall notify each such applicant in writing of the existence of the conflict and of the date, place and time of the lottery. Within seven days after the lottery, the applicants not chosen may submit alternative preferences to the department. Any conflicts arising among the alternative preferences shall be resolved in accordance with the lottery procedures set forth in this section.

~~(i)~~(h) No later than 20 days prior to the date the event is scheduled to begin, the sponsor of the event shall submit all applications for any necessary licenses, including alcoholic beverage, food and/or pop-up retail user licenses, to the department. The ~~department~~ Department shall forward the license applications to all appropriate departments. The departments shall review such license applications and either issue such licenses, or issue a written denial stating the reasons therefor, within ten days of receipt of the license application. If the ~~department~~ Department previously has issued a conditional permit, then within five days after the appropriate licenses have been issued and are received by the department, 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 department shall issue the special event permit. If no conditional permit has been issued, then the procedure set forth in subsection ~~(g)~~(f) shall apply.

~~(j)~~(i) Except as otherwise provided in this subsection ~~(j)~~(i), no permit issued under this section may authorize the operation of a special event for a period longer than ten days. Provided, however, that a permit issued under this section may authorize the operation of a special event for up to 180 calendar days: (i) on an outdoor public enjoyment area developed pursuant to Section 2-102-030; or (ii) if the event is an independent farmers market within the meaning of Section 10-8-331(b)(1).

~~(k)~~(i) For any violation of the special event permit or the rules and regulations promulgated under this section, including the failure to amend the permit pursuant to subsection (c), the sponsor of the event shall be fined not less than \$200.00 nor more than \$1,000.00 for each violation. If the sponsor of the event is found guilty of four or more violations at the same event or six or more violations within a 180-day period, no new special event permits shall be issued to the sponsor of the event for the remainder of the year of that event and for the following calendar year.

~~(k)~~(k) The sponsor of the event shall have a representative present at all times during the event who shall be responsible for ensuring compliance with all applicable ordinances and regulations and for accepting all notices of violations and closure orders.

~~(m)~~(l) The ~~department~~ Department may at any time revoke a special event permit if the operation of the event is in violation of this Code or any other applicable law, or if such revocation is necessary to preserve the health or safety of the public. Written notice of the revocation with the reasons therefor shall be mailed to or served upon the sponsor of the event at the time of revocation. Unless the permit will expire by its own terms before a hearing can be reasonably scheduled, no such revocation will take effect until the sponsor of the event has been given notice and an opportunity to be heard in accordance with rules and regulations issued by the ~~department~~ Department. When necessary to prevent an immediate threat to the health or safety of the public, the ~~department~~ Department shall order the sponsor of the event to cease operation of the special event pending the outcome of the hearing. For any violation of the special event permit or the rules and regulations promulgated under this section which endangers the health or safety of the public, no new special event permits shall be issued to the sponsor of the event for the remainder of the year of that event and for the following calendar year.

~~(n)~~(m) No permit shall be issued until the applicant has supplied to the ~~department~~ Department proof of insurance evidencing commercial general liability insurance, with limits of not less than \$1,000,000.00 per occurrence for bodily injury, personal injury and property damage, naming the city as additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the permittee's operations.

Each insurance policy required by this subsection shall include a provision to the effect that it shall not be subject to cancellation, reduction in the amounts of its liabilities, or other material changes until notice thereof has been received in writing by the office of risk management and the department not less than 60 days prior to such action.

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 sponsor of the event to maintain such insurance during the periods indicated above shall result in automatic expiration of the permit. For the purposes of this subsection, the permit shall include the time required for construction and removal of all materials and equipment provided for the conduct of the special event until the public way has been cleared and restored as provided in subsection ~~(p)~~(o).

~~(o)~~(n) In addition to the requirements stated above, and apart from and separate from any insurance requirement under this section, the applicant shall agree in writing to indemnify, defend and hold the City of Chicago and its assignees and employees harmless from all losses, damages, injuries, claims, demands and expenses arising out of the operation of the special event or the condition, maintenance and use of public property.

~~(p)~~(o) During the conduct of the special event, the sponsor of the 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 sponsor of the event shall remove all materials and equipment and clean the street. If the public way has been damaged, the sponsor of the event shall repair and restore it to the condition it was in prior to the special event.

~~(q)~~(p) Whenever a special permit requires the closure of a street, a clear path of not less than ten feet must be maintained at all times to provide for the passage of emergency vehicles.

~~(r)~~(q) The sponsor of the event shall be responsible for ensuring that each vendor participating in the event obtains the proper licenses. In the event that an unlicensed or improperly

licensed vendor is found at the event, the sponsor of the event shall be fined pursuant to subsection ~~(k)~~(j) for each unlicensed or improperly licensed vendor. This shall be in addition to any fines and/or penalties which may be issued to the individual vendor.

~~(s)~~(r) No person may perform, or employ, direct or allow a person to perform portable audiovisual rigging unless the person performing such work holds a valid rigger's certification issued by the Entertainment Technician Certification Program. Any application form for a special event under this Section shall notify the applicant that all audiovisual rigging at the special event may only be performed by a person holding a valid rigger's certification issued by the Entertainment Technician Certification Program.

~~(t)~~(s) In addition to any other appropriate department, the ~~department of cultural affairs and special events~~Department is authorized to inspect the special event and may issue citations for any violation of this Code or any regulations pertaining to the operation of the special event, except for provisions currently enforced by the department of public health.

~~(u)~~(t) Any action of the ~~department~~ Department in denying or revoking a permit under this article shall be subject to judicial review as provided by law.

~~(v)~~(u) The ~~commissioner of cultural affairs and special events~~Commissioner of Cultural Affairs and Special Events, after consultation with other appropriate departments, shall have the authority to promulgate such rules and regulations that he determines are necessary or desirable for the implementation of this section. The rules and regulations need not be published in a newspaper, but shall be made available for inspection by the public at no charge.

**SECTION 2.** This ordinance shall be in full force and effect following due passage and approval.