
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: BRENT EICHELBERGER, VILLAGE ADMINISTRATOR
ALISON MURPHY, ASSISTANT TO THE VILLAGE
ADMINISTRATOR/VILLAGE CLERK
DANIELLE MARION, PLANNING & ZONING ADMINISTRATOR
SUBJECT: DISCUSSION: MOBILE VENDOR/SPECIAL EVENTS ORIDNANCE
UPDATES
AGENDA: DECEMBER 21, 2021 REGULAR BOARD MEETING
DATE: DECEMBER 13, 2021

ISSUE

Shall the Village Board discuss amending the Village Code to update and clarify provisions of the Mobile Vending and Special Events regulations.

DISCUSSION

2021 saw an increase in applications and inquiries regarding special events, specifically for food trucks. As more applications were reviewed, staff saw a need to clarify the process for handling such requests. While the review was initially focused on food trucks, it became clear that all aspects of the Special Events provision of the Code could benefit from an update.

Staff first sought to clarify food trucks from mobile vendors, i.e. ice cream trucks. Mobile vendors are regulated in the Code under Title 3 – Business and License Regulations, Chapter 8 – Mobile Vending. Due to the nature of their business, staff wanted to keep the provisions for background checks and fingerprinting that currently exist for mobile vendors intact. To distinguish between the two, staff defined a mobile food vendor as someone whose vehicle travels throughout the Village on public streets or at three or more fixed locations in a day (3-8-1). Food trucks that operate in the Village at one or two locations on a given day are subject to Title 4 - Public Health and Safety, Chapter 7 – Special Events.

Within the Special Events chapter, the biggest issue arose from the classification of events into three categories - low impact, medium impact and high impact. These classifications are based on the size of the event and determine the amount of the application fee and insurance required. Staff's experience with special events challenged the wisdom of classifying events in this way since a large event could require very little staff time while a smaller event could take up several hours of staff review.

After looking at how other municipalities handle fees and insurance and using staff experience, it is proposed that the three classifications be eliminated and instead a flat application fee of \$50 and insurance requirement of \$1,000,000 be adopted. Provisions have been included to provide the special event coordinator the discretion to waive the fee and insurance if the event is small, recoup costs for consultants' services if required for review, and to increase the insurance required if necessary.

Additionally staff wanted to tighten the timelines for application submittal. Experience has shown that many applications are submitted too close to the event date to allow for a thorough review. Staff updated the Code to set deadlines for submittals and to provide the special event coordinator the right to deny the application if it is submitted late or to accept the application after the deadline. Again, the determining factor would be the amount of staff time required to review the event application.

Finally the Code has been updated to tighten up definitions of those events that need a special event. While staff has tried to clean-up the definitions and exceptions based on past experience, it is impossible to account for all situations that may arise and staff discretion will still be required.

Included in this board report are the proposed new versions of Chapter 8 – Mobile Vending and Chapter 7 – Special Events and also the strike-through versions for each.

COST

There is no cost to discuss the changes. There will be approximately \$300 in fees for attorney review.

RECOMMENDATION

That the Village Board discuss amending the Village Code to update and clarify provisions of the Mobile Vending and Special Events regulations and direct staff to bring back an ordinance for approval at a future meeting.

CHAPTER 8 – MOBILE VENDING

SECTION:

3-8-1: Definitions

3-8-2: License Required; Hours Of Operation

3-8-3: Application For License

3-8-4: Contents Of Application

3-8-5: Documents To Be Submitted With Application

3-8-6: License Required For Each Vehicle

3-8-7: Applicants Responsible For Drivers Of Vehicles

3-8-8: Employment Requirements

3-8-9: Application Fee

3-8-10: License Renewal

3-8-11: License Nontransferable

3-8-12: Waiver Of License Requirement For Certain Events On Public Property

3-8-13: Revocation And Violations Of Vendor's License

3-8-1: DEFINITIONS:

As used in this chapter:

MOBILE FOOD OR LIQUID VENDOR: A person who operates, or causes to be operated, a motorized or pedaled mobile unit upon the streets or public property within the village of Sugar Grove for the purpose of selling, from said vehicle, to the general public while traveling on a public street or roadway or at three or more fixed locations in a day, food or liquid products including, but not limited to: hot dogs, hamburgers, french fries, ice cream, sherbet, soft drinks, flavored frozen water or other frozen liquid, snow cones, or other similar products.

MOBILE UNIT: Any apparatus (i.e., car, truck, trailer, cart, wagon) or structure not permanently fixed to a permanent foundation and which may be moved under its own power, pushed or pulled by hand, towed by a motor vehicle, pedaled or carried upon or in a motor vehicle or trailer.

MOTORIZED MOBILE UNITS: A mobile unit which may be moved under its own power, towed by a motor vehicle, pedaled or carried upon or in a motor vehicle or trailer. An example would include, but not be limited to, ice cream trucks.

PERSON: Any individual, partnership, firm, corporation, trust, association or other entity. (Ord. 2007-11-20, 11-20-2007)

3-8-2: LICENSE REQUIRED; HOURS OF OPERATION:

No mobile food or liquid vendor shall operate, or cause said motor vehicle to be operated, upon the streets or public property within the village of Sugar Grove without first obtaining from the village of Sugar Grove a mobile food or liquid vendor's license. Any such license shall only be valid between the hours of nine o'clock (9:00) A.M. to six o'clock (6:00) P.M. from Labor Day to Memorial Day (as those holiday dates are set by the United States federal government) and from nine o'clock (9:00) A.M. to eight o'clock (8:00) P.M. from Memorial Day to Labor Day (inclusive of said holiday dates). Nothing herein shall limit the power of the village to control and prohibit the use of nonstreet public property (e.g., public parks, parking lots) by mobile units at any time. Except as specifically allowed herein, no person shall conduct any other vending of any type or character from a mobile unit upon the street or public property within the village. (Ord. 2007-11-20, 11-20-2007)

3-8-3: APPLICATION FOR LICENSE:

Any person who wishes to obtain a mobile food or liquid vendor's license shall submit a written application to the village of Sugar Grove police department for such license as hereinafter provided. (Ord. 2007-11-20, 11-20-2007)

3-8-4: CONTENTS OF APPLICATION:

Said license application shall include:

- A. Applicant's name, date of birth, residence and business addresses, and social security number;
- B. A description of the vehicle from which applicant intends to operate including the Illinois state license number thereof;
- C. The number and expiration date of applicant's Illinois state driver's license (if the applicant will be driving said motor vehicle). (Ord. 2007-11-20, 11-20-2007)

3-8-5: DOCUMENTS TO BE SUBMITTED WITH APPLICATION:

Copies of the following documents shall be attached to and made a part of said application:

- A. The applicant's certificate of registration under the Illinois retailers' occupation tax act;
- B. Applicant's Illinois driver's license;
- C. Applicant's Kane County health department food permit as required by Kane County;
- D. Applicant's public liability insurance policy covering the subject vehicle;
- E. A sworn statement signed by the applicant stating that the applicant has never been convicted of the commission of a felony and is not a registered sex offender;
- F. A signed consent to a background check on forms promulgated by the village staff from time to time (the village staff may but shall not be required to process a background check in their discretion). (Ord. 2007-11-20, 11-20-2007)

3-8-6: LICENSE REQUIRED FOR EACH VEHICLE:

In the event that the applicant will be operating more than one such motor vehicle upon the streets or public property of the village of Sugar Grove, the applicant must file separate

applications and obtain separate mobile food or liquid vendor's licenses for each such motor vehicle. (Ord. 2007-11-20, 11-20-2007)

3-8-7: APPLICANTS RESPONSIBLE FOR DRIVERS OF VEHICLES:

In the event that the applicant employs another person to drive said motor vehicle on the streets or public property of the village of Sugar Grove, then and in that event, such driver must be of legal age and must have a valid current Illinois state driver's license and the applicant shall be responsible for all actions of said drivers just as though the applicant was driving said motor vehicles. (Ord. 2007-11-20, 11-20-2007)

3-8-8: EMPLOYMENT REQUIREMENTS:

No person shall be employed to drive said vehicle or conduct sales out of said vehicle unless and until the applicant has filed with the village of Sugar Grove a sworn statement signed by said employee consenting to a background check, stating that he/she has never been convicted of a felony and is not a registered sex offender, and setting forth the driver's home address, date of birth, and social security number. (Ord. 2007-11-20, 11-20-2007)

3-8-9: APPLICATION FEE:

The said application shall include an annual license application fee of two hundred fifty dollars (\$250.00). (Ord. 2007-11-20, 11-20-2007)

3-8-10: LICENSE RENEWAL:

In all subsequent years, the applicant must file a new application covering such motor vehicle. (Ord. 2007-11-20, 11-20-2007)

3-8-11: LICENSE NONTRANSFERABLE:

The mobile food or liquid vendor's license issued hereunder shall not be transferable to any other "person" (as defined herein). (Ord. 2007-11-20, 11-20-2007)

3-8-12: WAIVER OF LICENSE REQUIREMENT FOR CERTAIN EVENTS ON PUBLIC PROPERTY:

The village staff may waive the requirement of a license for a mobile food or liquid vendor operating only upon public property during village recognized community events including, but not limited to, Corn Boil and Farmers' Market. Said waiver shall be requested in writing not less than fourteen (14) days prior to said event by the applicant and shall be approved only in writing. The village staff may waive the advance notice of said request in their discretion. The village staff, in order to control traffic and maintain safety may limit the number of such waivers given and also may refuse to issue any waivers in the use of their discretion based upon the conditions of any such event, history of such event and history of any applicant. The village staff shall first give preference to the organization operating said event to obtain any available waivers. The village staff may prohibit other mobile food or liquid vendors on said public property during said event. (Ord. 2007-11-20, 11-20-2007)

3-8-13: REVOCATION AND VIOLATIONS OF VENDOR'S LICENSE:

A. The conviction of the applicant for a felony shall result in the revocation of any and all mobile food or liquid vendor's licenses issued hereunder.

B. The village of Sugar Grove shall revoke any mobile food or liquid vendor's license if the driver of said vehicle is convicted of a moving traffic law violation occurring while operating under a license issued hereunder in the village of Sugar Grove.

C. The failure of the applicant to renew the mobile food or liquid vendor's license and pay the required annual fee shall result in the revocation of said license by the village of Sugar Grove.

D. If the applicant or any driver of a subject vehicle is or shall become a registered sex offender under the Illinois sex offender registration act, the village of Sugar Grove shall refuse to issue a license hereunder or shall revoke any license already issued hereunder.

E. A violation of any of the terms of this chapter or of the remainder of this code shall result in the revocation of any mobile food or liquid vendor's license issued hereunder.

F. A revocation shall be processed by village staff and approved by the action of the village administrator or designee. The village staff shall mail, via regular mail, a notice of revocation to the address listed on the licensee's application. The failure of the licensee to receive said notice of revocation shall not affect or invalidate the revocation hereunder or the time frames for appealing said revocation. Any licensee may appeal a decision of the village administrator to the village board of trustees within fourteen (14) days of the mailing date of any revocation notice. The decision of the village board of trustees on any such appeal shall be final. Any person who has had a license revoked hereunder shall not be eligible for a new license for a period of one year from the date of revocation.

G. A violation of any of the terms of this chapter shall also be subject to the general penalties contained in sections [1-4-1](#) and [1-4-4](#) of this code. (Ord. 2007-11-20, 11-20-2007)

CHAPTER 7 – SPECIAL EVENTS

SECTION:

[4-7-1: Purpose](#)

[4-7-2: Interpretation](#)

[4-7-3: Definition](#)

[4-7-4: Special Event Permit Required](#)

[4-7-5: Exceptions](#)

[4-7-6: 4-7-6: Special Event Permit Application](#)

[4-7-7: Application Review](#)

[4-7-8: Permit Denial](#)

[4-7-9: Denial Of Permit; Appeal](#)

[4-7-10: Emergency Revocation](#)

[4-7-11: Permit Requirements](#)

[4-7-12: Additional Standards And Criteria For Specific Special Events](#)

4-7-1: PURPOSE:

The variety of special events held within the village are instrumental in creating a comfortable, small town atmosphere and help contribute to the quality of life of Sugar Grove residents, promote tourism, draw first time visitors, and strengthen our community's character. At the same time, the village must have sufficient notice prior to an event so that it can evaluate the potential impact such an event might have on the resources of village departments, village owned properties and facilities, and ultimately on the community as a whole. Each event has unique characteristics and will have a different impact on these services and resources, other property or improvements in the surrounding area, and the health, safety, and welfare of the public. It is the intent of the village to preserve the public's health, safety, welfare, and to promote the responsible use of publicly owned facilities, property and resources in support of public and private special events. Therefore, special events shall be considered on a case by case basis in accordance with the rules that follow. (Ord. 2016-07-05D, 7-5-2016)

4-7-2: INTERPRETATION:

It is the expressly declared legislative intent that this chapter shall be interpreted and administered so as to allow the fullest expression and guarantee of first amendment rights consistent with the protection of the public health, safety and welfare of the citizens of the village. (Ord. 2016-07-05D, 7-5-2016)

4-7-3: DEFINITION:

For the purpose of this chapter, a "special event" shall be a planned temporary public event on public or private property which may include aggregation of attractions, people and entertainment and which may include any of the following features or characteristics:

- A. May attract a crowd of a size that is significantly larger than what is expected for the typical day to day use of the property or under normal business conditions;
- B. Requires closure of an off street parking lot or facility for any part of the event for purposes other than parking;
- C. Requires closure of public streets or the posting of temporary "No Parking, Tow Zone" signs;
- D. Use of temporary structures such as, but not limited to, a tent or stage, greater than three hundred (300) square feet; bleachers, scaffolding, booths;
- E. Use of village property;
- F. Use of the public right of way, including streets and sidewalks in a manner that could interfere with village operations and/or access by the general public;
- G. Use of village services;
- H. Involves the sale of food or drink, including farmers' markets;
- I. Involves the sale of alcoholic beverages;
- J. Involves the sale of goods, including craft fairs;
- K. Use of fireworks;
- L. Live music, recorded music, and/or the use of amplifiers;
- M. Parades,
- N. Occurs on more than one property;
- O. Amusements or attractions, e.g., carnivals; circus
- P. Requires use of traffic control. (Ord. 2016-07-05D, 7-5-2016)

4-7-4: SPECIAL EVENT PERMIT REQUIRED:

No special event sponsored and/or conducted by a private enterprise, not for profit corporations or associations either solely or in conjunction with other such enterprises, corporations, associations or with a public body, or by other persons conducting noncommercial civic, religious, recreational or patriotic events may be conducted upon any public or private property, including right of way, without first obtaining a special event permit as provided herein. (Ord. 2016-07-05D, 7-5-2016)

4-7-5: EXCEPTIONS:

The provisions of this chapter shall not apply to:

A. Private events on one single-family residential lot unless Fireworks, Live Music, or Alcohol Sales are involved.

B. Special events shall not include events for which all participants use sidewalks, observe traffic safety and safety regulations and do not interfere with the safe and orderly movement of pedestrians and vehicles.

C. Events held in a permanent facility or outdoor structure specifically designed for that event. Examples of facilities or permanent outdoor structures: theaters, stadiums, auditoriums, banquet halls, aquatic parks, sports fields, playgrounds, picnic shelters, and places of worship.

D. Corporate groundbreaking, and ribbon cutting ceremonies unless such event includes Street Closures, Temporary Structures, Sale of Food or Drink, and/or Alcohol Sales.

E. Funeral processions. (Ord. 2016-07-05D, 7-5-2016)

4-7-6. SPECIAL EVENT PERMIT APPLICATION:

A. Permit Required: No person shall knowingly or publicly promote or advertise, sponsor, engage in, conduct, or participate in any special event unless a permit therefor has first been obtained consistent with this chapter, except that the sponsor of any annual special event which has taken place during at least the two (2) previous consecutive years, shall be permitted at their own risk, to publicly promote or advertise the special event for the third and subsequent years prior to obtaining the special event permit for such third or subsequent years.

B. Recurring Special Events: For recurring special events that take place on a daily, weekly or monthly basis during a specified period of time, only one permit shall be required per calendar year.

C. Application: The event sponsor shall submit the written application on forms provided by the village to the special events administrator via the village clerk within the time frames specified in this section. The village may accept late applications, if time permits, with payment of a late fee. The special events administrator may require reasonable supplementation of the information in the application, if necessary, to determine those additional terms and conditions to impose, if any, and whether to grant or deny the application.

1. Application Deadlines:

a. The application must be submitted at least forty-five (45) days in advance of the event date. The special event coordinator may accept application outside of the required timeframe.

b. The foregoing time periods shall be counted so as to exclude the day the application is submitted and the day the special event will begin.

2. Required Information: The special event application shall include, but not be limited to, the following information:

a. The name, address and telephone number of the applicant and the names, addresses and telephone numbers of the applicant's representatives who will manage or direct the special event or party and who will be present during the event;

b. The date or dates of the event or party and the hours during which the applicant proposes to conduct the event;

c. The proposed location of the event or party and, if it is a parade, the route to be followed;

d. A reproducible diagram showing the proposed layout of the event or party including proposed, and if provided, restrooms, first aid facilities, emergency vehicle access, tents or temporary structures, utility lines, lighting and area restriction devices (including barricades or screening);

e. A narrative description of the event or party;

f. The number of persons expected to attend;

g. The number of vendors, merchants, exhibitors and units expected to participate and the facilities expected to accommodate them;

h. Whether or not fireworks will be used and a copy of the application for the state fireworks permit and request for village board authorization;

i. Whether tents or other temporary structures will be used;

j. Whether or not electricity and water will be needed and the manner in which they are to be provided;

k. A statement as to other types of licenses and permits, including liquor licenses, that have been or will be applied for;

l. The number and type of sound amplification devices proposed to be used as part of the event activities or party;

m. A general statement as to the number and type of musicians or musical presentations proposed to be a part of the event or party;

n. Whether any temporary signs will be displayed and the size, number and location of each;

o. Any other information the special event administrator may deem to be necessary to complete the review of the application.

D. Application Fee: A \$50, non-refundable fee is required with all Special Event Applications. This is required at the time of application submittal. If review requires outside consultants, the applicant will be responsible to reimburse the Village for these costs. The special event coordinator can waive the fee at their discretion.

4-7-7. APPLICATION REVIEW:

A. **Priority Of Applications:** In reviewing the applications for a given time and location, the special events committee shall give priority to annual, semiannual or other regularly scheduled or recurring special events. Resident, merchant and village entity applications shall have a priority over nonresident, nonmerchant and nonvillage entity applications. If competing applications cannot be resolved on this basis, the committee shall grant permits to the earliest completed application received for the time and place requested. Once a special event has been granted, it shall be the policy of the village to not allow further events for the same date(s) and general location.

B. **Reservation Of Annual Event Dates:** If an event is intended to be an annual event at regularly scheduled dates, the current year's application may include the following year's requested dates. Approval of the current year's application will include reservation of the next year's proposed dates. However, it will not constitute approval of next year's event, which must have its own timely application submitted for village approval. In general, the village will not approve special event dates more than one year in advance.

C. **Nondiscrimination:** The special events committee shall consider each event permit application upon its merits and shall not discriminate based upon the purpose of the event or the content of the speech generated at the event, race, creed, color, ethnicity, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender related identity, political party affiliation (or lack thereof), familial status, or marital status.

D. **Application Review:**

1. Upon receipt of a completed application for a special events permit, the special event administrator, as designated by the village administrator, shall immediately forward copies thereof to the director of public works, the chief of police and other applicable directors of departments or divisions within the village (the "special event committee") and the Sugar Grove fire protection district and other agencies as needed, to determine compliance with applicable village ordinances, the effect of the event on village resources, and the anticipated effect of the event on public health or safety.

2. Within twenty one (21) days after the receipt of a completed application or seven (7) business days in the case of a residential block event, the special event administrator shall notify the applicant that he:

a. Will grant the permit contingent upon submission of evidence of insurance required by subsection [4-7-11A](#) of this chapter and upon payment of the estimated cost of additional police and public works services required by subsection [4-7-11B](#) of this chapter;

b. Will deny the permit based upon the criteria set forth in section [4-7-8](#) or [4-7-11](#) of this chapter; or

c. Requires a conference with the event sponsor to seek clarification or offer suggestions as to alterations in the permit application. If the proposed special event does not comply with the rules and regulations for village property, the special event administrator may present alternative locations, times or other conditions that will

comply. The event sponsor can either accept the special event administrator's changes or submit a new application that complies with the issues raised by the special event administrator. (Ord. 2016-07-05D, 7-5-2016)

4-7-8. PERMIT DENIAL:

The special event administrator is empowered to deny a permit for a special event only if, based upon the completed application and such clarification or alteration of the application received from the applicant, the special event:

- A. Will fail to comply with noise, health or safety regulations of the village or otherwise violate applicable ordinance or state statute;
 - B. Will unreasonably interfere with or restrict the delivery of village or emergency services or business or residential activity within the proposed event area, on the proposed event route or other areas of the village;
 - C. Will unreasonably conflict in time or location with other permitted activities in the proposed event area or proposed event route;
 - D. Will damage or destroy village property.
- E. Application is not submitted by the required submittal deadlines stated above to allow for sufficient review of the event application.

In addition to the foregoing, the special event administrator may deny a permit for a special event if the event sponsor fails to attend a conference as required by subsection [4-7-7D2](#) of this chapter or has repeatedly violated the ordinances of the village with respect to special events within the past twelve (12) month period. (Ord. 2016-07-05D, 7-5-2016)

4-7-9. DENIAL OF PERMIT; APPEAL:

The decision of the special event administrator to deny or revoke a permit required by this chapter shall be appealable by the sponsor to the village board. Such appeal shall be initiated by a written notice to the village administrator before the close of the next regular village business day after the date of service of such denial or revocation, or such appeal shall be deemed waived. The sponsor shall be given an opportunity to be heard by the village board upon such denial or revocation within five (5) business days after receipt of any such notice of appeal. The village board may sustain or reverse the decision of the special event administrator based on the criteria as set forth in sections [4-7-9](#) and [4-7-12](#) of this chapter. Such decision shall be made by the village board within one day following the conclusion of any such hearing. (Ord. 2016-07-05D, 7-5-2016)

4-7-10. EMERGENCY REVOCATION:

Notwithstanding any other provision in this code, if in the judgment of the special event administrator, the chief of police or the Sugar Grove fire protection district fire chief, or their designees, an emergency situation has been created such that the continued use of public or private property by a permittee will immediately threaten life, health or property, the special event administrator, the chief of police or the fire chief, or their designees, upon the issuance of a written order stating the reason for such conclusion

and without notice or hearing may immediately revoke the permit and require the use of the property to immediately cease. No person shall continue to use property contrary to such order. (Ord. 2016-07-05D, 7-5-2016)

4-7-11. PERMIT REQUIREMENTS:

The following requirements shall be observed by special events applicants:

A. Insurance Required:

The applicant must submit an original Certificate of Insurance and the Additional Insured Endorsement page naming the Village of Sugar Grove, and their respective public officials, officers, employees, volunteers, agents and assigns, as an additional insured in the general aggregate amount of not less than \$1,000,000.00. Furthermore, the event that is covered by the insurance must be named on the certificate.

Such certificate shall provide that the insurance shall not be terminated or renewed for any reason without thirty (30) days' advance written notice to the village. The special event coordinator may waive the insurance requirement or request additional insurance at their discretion depending on the scope of the proposed event.

B. Reimbursement For Village Expenses: Prior to the issuance of the permit required by this chapter, the event organizer or sponsor (the "sponsor") shall also provide the payment of a deposit for the cost to the village of the direct and reasonable costs incurred by the village to provide additional police and public works services for the special event, including pre-event planning, except that such deposit payment shall not be required for residential block events and noncommercial expressive activities protected under the first amendment of the constitution of the United States. In the event the actual amount of the additional police and public works services incurred for any event exceed the amount of the deposit provided by the sponsor, the village will send the sponsor a bill for the additional amount within thirty (30) days of the conclusion of the event. Within thirty (30) days after the date of the bill, the sponsor shall pay to the village said additional costs. In the event the deposit made by the sponsor exceeds the actual amount of the additional police and public works costs incurred, the village will within thirty (30) days of the conclusion of the event reimburse to the sponsor the balance of monies.

C. Cleanup Required: The sponsor shall be responsible for complete cleanup of the special event site at the conclusion of the event. In the event the sponsor fails to satisfactorily clean up the premises, the sponsor shall also pay to the village within thirty (30) days after the conclusion of the permitted event, the direct and reasonable costs as required to provide for cleanup of the property if such service is not performed by the sponsor. Additionally, the amount of payment shall include compensation for loss or damage to village property.

D. Use Of Public Right Of Way And Municipal Property:

1. **Use Of Public Right Of Way:** All processions, parades, footraces, marathons, walk-a-thons, bike-a-thons, bike races, open air public meetings, or any other group sponsored activity occupying or using any street or public place in the village, hereinafter referred to as an "event", except funerals, are forbidden unless a special

event permit is first obtained. It is unlawful for any person to participate in any of the aforementioned activities that have not been authorized by a special event permit. Use of public right of way shall comply with all applicable village policies.

2. Use Of Municipal Property: A special event permit shall be required to use municipal property. The applicant shall be responsible for securing such permit prior to the proposed activity in accordance with this chapter. Issuance of a special event permit does not entitle exclusive use of any municipal property. Nongovernment use of municipal property requires general liability insurance and must comply with all applicable village policies.

E. Sound Amplifying Devices: The use of loudspeakers or amplifiers connected with any radio, phonograph, microphone or any such device on any public street or public place is permitted, however, the village reserves the right to discontinue the use of any amplified sound if deemed unreasonable by the village police department.

F. Sale And Consumption Of Alcoholic Beverages: Any sponsor who desires to include the sale of alcoholic liquor in a special event shall be responsible for applying for and obtaining a special event liquor license as provided in title 3, chapter 2 of this code.

G. Sponsor Responsible For Conduct Of Special Event:

1. The special event sponsor shall be strictly liable for the acts of its agents, volunteers, officers and employees and shall indemnify and hold harmless the village, its officers, agents and employees from any claim, suit or liability whatsoever including, but not limited to, any court costs or reasonable attorney fees arising out of or in any way connected with any acts or omissions of sponsor, its agents, volunteers, officers and employees, or the special event.

2. Nothing herein shall relieve a sponsor, its officers, agents and employees as well as any other participants, such as restaurants, in any special event from complying with all applicable laws and regulations of the village, state and the United States, including, but not limited to, obtaining any other permits or approvals as required by law.

H. Special Event Cosponsored By The Village: Notwithstanding anything to the contrary in this chapter, in the event persons or entities desiring to conduct a special event on public property are requesting that such a special event be cosponsored by the village, such special events proposed to be cosponsored by the village shall also be subject to the procedures and requirements as may be set forth by the village.

I. Duration Of Special Event: Except as may be provided to the contrary herein, the maximum duration for any single special event occurrence shall be ten (10) consecutive days.

J. Resident And/Or Business Notification: For those events that require street closures, or may cause disruption for village residences or businesses, the permit applicant is responsible for providing mailed or hand delivered notification to the affected parties thirty (30) days prior to the event. The special events coordinator will have the discretion to determine the method of notification.

K. Compliance With Firearm Concealed Carry Act: Compliance with the state of Illinois firearm concealed carry act, 430 Illinois Compiled Statutes 66, is a requirement for the issuance of a special event permit being held on public property. It is the responsibility of event sponsors to post concealed carry signage on the premises pursuant to the act and to notify police dispatch if a concealed carry is spotted at the event.

L. Nontransferability Of Special Event Permit: No special event permit issued pursuant to this chapter shall be transferred or assigned or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued. (Ord. 2016-07-05D, 7-5-2016)

4-7-12: ADDITIONAL STANDARDS AND CRITERIA FOR SPECIFIC SPECIAL EVENTS:

In addition to the foregoing, the following special events shall be required to comply with the following standards and criteria:

A. Car Wash Events: Permits may only be granted for fundraising activities.

B. Zoos, Animal Exhibits (Except Charitable Pet Adoptions), Petting Zoos, And Animal Rides: A permit and entertainment license shall be required for a carnival, zoo, animal exhibit (except charitable pet adoptions), petting zoo, or animal rides. A limit of two (2) permits per calendar year will be allowed at the same location. All operations shall cease activities by ten o'clock (10:00) P.M. Sunday through Thursday and eleven o'clock (11:00) P.M. Friday and Saturday. A permit and entertainment license shall not be required for a small animal petting zoo and/or animal ride at a residential private party.

C. Arts And Crafts Show: Permits shall be valid for a period of not more than ten (10) days and may be renewed up to twice during any calendar year.

D. Circuses, Carnivals: Each special event permit shall be valid for a period not to exceed ten (10) days. A limit of two (2) permits per calendar year will be allowed at the same location.

E. Film Production: A film production using public or private property within the village for the purpose of producing, videotaping or filming of commercials, movies, television programs, training tapes or films and other moving picture media activity shall require a permit. The special event administrator may authorize a permit for more than ten (10) days if warranted. Film production for the filming of actual news events in progress by the media or by the village and other governmental entities serving the community shall not require a special event permit.

F. Neighborhood Garage Sales: A special event permit is required for unified neighborhood garage sales conducted and coordinated by several residential property owners within the same block or contiguous blocks, and may be allowed only in accordance with the provisions of this code.

G. Parades: A special event permit shall be required for any parade, motorcade, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display (a "parade") in or upon any street in the village.

1. Parade Application: Any person seeking to conduct a parade, motorcade or procession shall first file a parade permit application with the special event administrator not less than five (5) days before the date on which it is proposed to conduct the parade on forms provided by the village. The application for a parade permit shall set forth the following information:

a. The name, address and telephone number of the person seeking to conduct the parade.

b. If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of the organization.

c. The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.

d. The date when the parade is to be conducted.

e. The route to be traveled, the starting point and the termination point.

f. The approximate number of persons who, and animals and vehicles which, will constitute such parade; the types of animals; and description of the vehicles.

g. The hours when the parade will start and terminate.

h. A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed.

i. The location by streets of any assembly areas for the parade.

j. The time at which units of the parade will begin to assemble at the assembly areas.

k. The interval of space to be maintained between units of the parade.

l. If the parade is designed to be held by, or on behalf of or for, any person other than the applicant, a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit.

m. Any additional information which the director shall find reasonably necessary to a fair determination as to whether a permit should issue.

2. Authority: The special events administrator, where good cause is shown therefor, shall have the authority to consider any parade application that is filed less than five (5) days before the date the parade is proposed to be conducted.

3. Standards For Issuance: The special events administrator shall issue a parade permit when, from a consideration of the application and from such other information as may otherwise be obtained, the administrator finds that:

- a. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.
 - b. The conduct of the parade will not require the diversion of so great a number of police officers of this village to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to this village.
 - c. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of this village other than that to be occupied by the proposed line of march and areas contiguous thereto.
 - d. The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly areas.
 - e. The conduct of the parade will not interfere with the movement of firefighting equipment en route to an emergency.
 - f. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.
 - g. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.
4. Notice Of Permit Rejection: If the special events administrator disapproves the parade permit application, the administrator shall mail to the applicant within three (3) days after the date upon which the application was filed, a notice of such action.
5. Alternative Permit: The special events administrator, in denying an application for a parade permit, may authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within two (2) days after notice of the action of the administrator, file a written notice of acceptance with the administrator. An alternate parade permit shall conform to the requirements of, and shall have the effect of a parade permit.
6. Contents Of Permit: Each parade permit shall state the following information:
- a. Starting time.
 - b. Minimum and maximum speed.
 - c. Maximum interval of space to be maintained between the units of the parade.
 - d. The portions of the streets to be traversed that may be occupied by the parade.
 - e. The maximum length of the parade in miles or fractions thereof.
 - f. Such other information as the special events administrator shall find necessary to enforce the provisions of this chapter.

7. Possession Of Parade Permit: The parade chairman or other person heading or leading the activity shall carry the parade permit during the conduct of the parade.

H. Grand Openings: Each special event permit shall be valid for thirty (30) calendar days and shall not be renewable unless the business changes ownership, changes name, and/or physically expands the operational floor area.

1. The number of temporary signs associated with this event shall not exceed six (6).

2. The maximum total square footage of temporary signs shall not exceed two hundred (200) square feet in surface area.

3. Temporary signs shall comply with section of [11-14-8](#) Prohibited Signs of the Village of Sugar Grove Zoning Ordinance with the exception of [11-14-8L](#) Balloons, streamers, inflatable devices, and pennants.

a. These temporary signs shall be allowed for grand opening events and shall not be counted toward the maximum total square footage of temporary signs allowed.

b. These signs shall not be setback at least twenty (20) feet from the public right of way and at least ten (10) feet from any property line.

c. Inflatable devices measuring more than ten (10) feet in height and affixed to the roof of a building or to the ground shall meet all requirements of the Village of Sugar Grove Building Code.

d. Inflatable devices shall not occupy required parking spaces.

e. On property containing other uses, the applicant shall have the written consent of the property owner and all business operators on the property prior to the installation of any inflatable device which exceeds ten (10) feet in height. (Ord. 2016-07-05D, 7-5-2016; amd. Ord. 2018-11-20B, 11-20-2018)

CHAPTER 8 – MOBILE VENDING

SECTION:

3-8-1: Definitions

3-8-2: License Required; Hours Of Operation

3-8-3: Application For License

3-8-4: Contents Of Application

3-8-5: Documents To Be Submitted With Application

3-8-6: License Required For Each Vehicle

3-8-7: Applicants Responsible For Drivers Of Vehicles

3-8-8: Employment Requirements

3-8-9: Application Fee

3-8-10: License Renewal

3-8-11: License Nontransferable

3-8-12: Waiver Of License Requirement For Certain Events On Public Property

3-8-13: Revocation And Violations Of Vendor's License

3-8-1: DEFINITIONS:

As used in this chapter:

MOBILE FOOD OR LIQUID VENDOR: A person who operates, or causes to be operated, a motorized^[BE1]^[AM2] or pedaled mobile unit upon the streets or public property within the village of Sugar Grove for the purpose of selling, from said vehicle, to the general public while traveling on a public street or roadway or at three or more fixed locations in a day, ^[BE3]^[AM4] food or liquid products including, but not limited to: hot dogs, hamburgers, french fries, ice cream, sherbet, soft drinks, flavored frozen water or other frozen liquid, snow cones, or other similar products.
~~MOBILE FOOD OR LIQUID VENDOR: A person who operates, or causes to be operated, a motorized mobile unit upon the streets or public property within the village of Sugar Grove for the purpose of selling, from said motor vehicle, to the general public, prepared food or liquid products including, but not limited to: hot dogs, hamburgers, french fries, ice cream, sherbet, soft drinks, flavored frozen water or other frozen liquid, snow cones, or other similar products.~~

MOBILE UNIT: Any apparatus (i.e., car, truck, trailer, cart, wagon) or structure not permanently fixed to a permanent foundation and which may be moved under its own power, pushed or pulled by hand, towed by a motor vehicle, pedaled or carried upon or in a motor vehicle or trailer^[BE5]^[AM6].

MOTORIZED MOBILE UNITS: A mobile unit which may be moved under its own power, towed by a motor vehicle, pedaled or carried upon or in a motor vehicle or trailer.^[BE7]^[AM8] An example would include, but not be limited to, ice cream trucks.

PERSON: Any individual, partnership, firm, corporation, trust, association or other entity. (Ord. 2007-11-20, 11-20-2007)

3-8-2: LICENSE REQUIRED; HOURS OF OPERATION:

No mobile food or liquid vendor shall operate, or cause said motor vehicle to be operated, upon the streets or public property within of the village of Sugar Grove [BE9][AM10] without first obtaining from the village of Sugar Grove a mobile food or liquid vendor's license. Any such license shall only be valid between the hours of nine o'clock (9:00) A.M. to six o'clock (6:00) P.M. from Labor Day to Memorial Day (as those holiday dates are set by the United States federal government) and from nine o'clock (9:00) A.M. to eight o'clock (8:00) P.M. from Memorial Day to Labor Day (inclusive of said holiday dates). Nothing herein shall limit the power of the village [BE11] to control and prohibit the use of nonstreet public property (e.g., public parks, parking lots) by mobile units at any time. Except as specifically allowed herein, no person shall conduct any other vending of any type or character from a mobile unit upon the street or public property within the village. (Ord. 2007-11-20, 11-20-2007)

3-8-3: APPLICATION FOR LICENSE:

Any person who wishes to obtain a mobile food or liquid vendor's license shall submit a written application to the village of Sugar Grove police department for such license as hereinafter provided. (Ord. 2007-11-20, 11-20-2007)

3-8-4: CONTENTS OF APPLICATION:

Said license application shall include:

- A. Applicant's name, date of birth, residence and business addresses, and social security number;
- B. A description of the vehicle from which applicant intends to operate including the Illinois state license number thereof;
- C. The number and expiration date of applicant's Illinois state driver's license (if the applicant will be driving said motor vehicle). (Ord. 2007-11-20, 11-20-2007)

3-8-5: DOCUMENTS TO BE SUBMITTED WITH APPLICATION:

Copies of the following documents shall be attached to and made a part of said application:

- A. The applicant's certificate of registration under the Illinois retailers' occupation tax act;
- B. Applicant's Illinois driver's license;
- C. Applicant's Kane County health department food permit (~~if as~~ required by Kane County);
- D. Applicant's public liability insurance policy covering the subject vehicle;
- E. A sworn statement signed by the applicant stating that the applicant has never been convicted of the commission of a felony and is not a registered sex offender;
- F. A signed consent to a background check on forms promulgated by the village staff from time to time (the village staff may but shall not be required to process a background check in their discretion). (Ord. 2007-11-20, 11-20-2007)

3-8-6: LICENSE REQUIRED FOR EACH VEHICLE:

In the event that the applicant will be operating more than one such motor vehicle upon the streets or public property of the village of Sugar Grove, the applicant must file separate applications and obtain separate mobile food or liquid vendor's licenses for each such motor vehicle. (Ord. 2007-11-20, 11-20-2007)

3-8-7: APPLICANTS RESPONSIBLE FOR DRIVERS OF VEHICLES:

In the event that the applicant employs another person to drive said motor vehicle on the streets or public property of the village of Sugar Grove, then and in that event, such driver must be of legal age and must have a valid current Illinois state driver's license and the applicant shall be responsible for all actions of said drivers just as though the applicant was driving said motor vehicles. (Ord. 2007-11-20, 11-20-2007)

3-8-8: EMPLOYMENT REQUIREMENTS:

No person shall be employed to drive said vehicle or conduct sales out of said vehicle unless and until the applicant has filed with the village of Sugar Grove a sworn statement signed by said employee consenting to a background check, stating that he/she has never been convicted of a felony and is not a registered sex offender, and setting forth the driver's home address, date of birth, and social security number. (Ord. 2007-11-20, 11-20-2007)(BE12)(AM13)

3-8-9: APPLICATION FEE:

The said application shall include an annual license application fee of two hundred fifty dollars (\$250.00). (Ord. 2007-11-20, 11-20-2007)

3-8-10: LICENSE RENEWAL:

In all subsequent years, the applicant must file a new application covering such motor vehicle. (Ord. 2007-11-20, 11-20-2007)

3-8-11: LICENSE NONTRANSFERABLE:

The mobile food or liquid vendor's license issued hereunder shall not be transferable to any other "person" (as defined herein). (Ord. 2007-11-20, 11-20-2007)

3-8-12: WAIVER OF LICENSE REQUIREMENT FOR CERTAIN EVENTS ON PUBLIC PROPERTY:

The village staff may waive the requirement of a license for a mobile food or liquid vendor operating only upon public property during village recognized community events including, but not limited to, Corn Boil and Farmers' Market. Said waiver shall be requested in writing not less than fourteen (14) days prior to said event by the applicant and shall be approved only in writing. The village staff may waive the advance notice of said request in their discretion. The village staff, in order to control traffic and maintain safety may limit the number of such waivers given and also may refuse to issue any waivers in the use of their discretion based upon the conditions of any such event, history of such event and history of any applicant. The village staff shall first give preference to the organization operating said event to obtain any available waivers. The village staff may prohibit other mobile food or liquid vendors on said public property during said event. (Ord. 2007-11-20, 11-20-2007)

3-8-13: REVOCATION AND VIOLATIONS OF VENDOR'S LICENSE:

A. The conviction of the applicant for a felony shall result in the revocation of any and all mobile food or liquid vendor's licenses issued hereunder.

B. The village of Sugar Grove shall revoke any mobile food or liquid vendor's license if the driver of said vehicle is convicted of a moving traffic law violation occurring while operating under a license issued hereunder in the village of Sugar Grove.

C. The failure of the applicant to renew the mobile food or liquid vendor's license and pay the required annual fee shall result in the revocation of said license by the village of Sugar Grove.

D. If the applicant or any driver of a subject vehicle is or shall become a registered sex offender under the Illinois sex offender registration act, the village of Sugar Grove shall refuse to issue a license hereunder or shall revoke any license already issued hereunder.

E. A violation of any of the terms of this chapter or of the remainder of this code shall result in the revocation of any mobile food or liquid vendor's license issued hereunder.

F. A revocation shall be processed by village staff and approved by the action of the village administrator [or designee](#). The village staff shall mail, via regular mail, a notice of revocation to the address listed on the licensee's application. The failure of the licensee to receive said notice of revocation shall not affect or invalidate the revocation hereunder or the time frames for appealing said revocation. Any licensee may appeal a decision of the village administrator to the village board of trustees within fourteen (14) days of the mailing date of any revocation notice. The decision of the village board of trustees on any such appeal shall be final. Any person who has had a license revoked hereunder shall not be eligible for a new license for a period of one year from the date of revocation.

G. A violation of any of the terms of this chapter shall also be subject to the general penalties contained in sections [1-4-1](#) and [1-4-4](#) of this code. (Ord. 2007-11-20, 11-20-2007)

CHAPTER 7 – SPECIAL EVENTS

SECTION:

[4-7-1](#): Purpose

[4-7-2](#): Interpretation

[4-7-3](#): Definition

[4-7-4](#): Special Event Permit Required

[4-7-5](#): Exceptions

[4-7-6](#): ~~Special Event Classifications~~

[4-7-7](#): ~~4-7-6~~: Special Event Permit Application

[4-7-8](#): ~~4-7-7~~: Application Review

[4-7-9](#): ~~4-7-8~~: Permit Denial

[4-7-10](#): ~~4-7-9~~: Denial Of Permit; Appeal

[4-7-11](#): ~~4-7-10~~: Emergency Revocation

[4-7-12](#): ~~4-7-11~~: Permit Requirements

[4-7-13](#): ~~4-7-12~~: Additional Standards And Criteria For Specific Special Events

4-7-1: PURPOSE:

The variety of special events held within the village are instrumental in creating a comfortable, small town atmosphere and help contribute to the quality of life of Sugar Grove residents, promote tourism, draw first time visitors, and strengthen our community's character. At the same time, the village must have sufficient notice prior to an event so that it can evaluate the potential impact such an event might have on the resources of village departments, village owned properties and facilities, and ultimately on the community as a whole. Each event has unique characteristics and will have a different impact on these services and resources, other property or improvements in the surrounding area, and the health, safety, and welfare of the public. It is the intent of the village to preserve the public's health, safety, welfare, and to promote the responsible use of publicly owned facilities, property and resources in support of public and private special events. Therefore, special events shall be considered on a case by case basis in accordance with the rules that follow. (Ord. 2016-07-05D, 7-5-2016)

4-7-2: INTERPRETATION:

It is the expressly declared legislative intent that this chapter shall be interpreted and administered so as to allow the fullest expression and guarantee of first amendment rights consistent with the protection of the public health, safety and welfare of the citizens of the village. (Ord. 2016-07-05D, 7-5-2016)

4-7-3: DEFINITION:

For the purpose of this chapter, a "special event" shall be a planned temporary public event on public or private property which may include aggregation of attractions, people

and entertainment and which may include any of the following features or characteristics:

A. May attract a crowd of a size that is significantly larger than what is expected for the typical day to day use of the property or under normal business conditions;

~~B. A celebrity personality;~~

~~C. B.~~ Requires closure of an off street parking lot or facility for any part of the event for purposes other than parking;

~~D. C.~~ Requires closure of public streets or the posting of temporary "No Parking, Tow Zone" signs;

~~E. D.~~ Use of temporary structures such as, but not limited to, a tent or stage, greater than three hundred (300) square feet; bleachers, scaffolding, booths;

~~F. Use of off site parking;~~

~~G. E.~~ Use of village property;

~~H. F.~~ Use of the public right of way, including streets and sidewalks in a manner that could interfere with village operations and/or access by the general public;

~~I. G.~~ Use of village services;

~~J. H.~~ Involves the ~~preparation and/or~~ sale of food or drink, including farmers' markets;

~~K. I.~~ Involves the sale of alcoholic beverages;

~~L. J.~~ Involves the ~~preparation and/or~~ sale of goods, including craft fairs;

~~M. K.~~ Use of fireworks;

~~N. L.~~ Live music, recorded music, and/or the use of amplifiers;

~~O. Gatherings of more than fifty (50) people;~~

~~P. M.~~ Parades, ~~motorcades or processions;~~

~~Q. N.~~ Occurs on more than one property;

~~R. O.~~ Amusements or attractions, e.g., carnivals; circus

~~S. Animals;~~

~~T. P.~~ Requires use of traffic control. (Ord. 2016-07-05D, 7-5-2016)

4-7-4: SPECIAL EVENT PERMIT REQUIRED:

No special event sponsored and/or conducted by a private enterprise, not for profit corporations or associations either solely or in conjunction with other such enterprises, corporations, associations or with a public body, or by other persons conducting noncommercial civic, religious, recreational or patriotic events may be conducted upon

any public or private property, including right of way, without first obtaining a special event permit as provided herein. (Ord. 2016-07-05D, 7-5-2016)

4-7-5: EXCEPTIONS:

The provisions of this chapter shall not apply to:

A. Private events on one single-family residential lots ~~s.~~ unless Fireworks, Live Music, or Alcohol Sales are involved.

B. Special events shall not include events for which all participants use sidewalks, observe traffic safety and safety regulations and do not interfere with the safe and orderly movement of pedestrians and vehicles.

C. Events held in a permanent facility or outdoor structure specifically designed for that event. Examples of facilities or permanent outdoor structures: theaters, stadiums, auditoriums, banquet halls, aquatic parks, sports fields, playgrounds, ~~and~~ picnic shelters, and places of worship.

D. Corporate groundbreaking, and ribbon cutting ceremonies unless such event includes Street Closures, Temporary Structures, Sale of Food or Drink, and/or Alcohol Sales.

E. Funeral processions. (Ord. 2016-07-05D, 7-5-2016)

4-7-6: SPECIAL EVENT CLASSIFICATIONS:

~~For the purpose of reviewing and issuing special event permits, special events shall be classified by the level of physical activity by participants, the degree of potential injury to spectators, and the estimated size of the crowd (participants and spectators combined) as follows:~~

~~—A. Type I low impact: Little or no physical activity by participants and no severe exposure to spectators, and involving crowds of one hundred (100) people or less, such as, but not limited to, block parties, fundraising car washes, car shows, film production.~~

~~—B. Type II medium impact: Limited physical activity by participants and no severe exposure to spectators, and involves crowds of less than one thousand (1,000) persons, such as, but not limited to, runs/walks/bike rides not more than five (5) kilometers in length, animal shows, petting zoos, mechanical demonstrations, and "family type concerts" or music.~~

~~—C. Type III high impact: Major participation by participants and/or moderate to severe exposure to spectators, such as, but not limited to: events requiring street closure and/or posting temporary no parking signs; fireworks; circuses; carnivals; parades; runs/walks/bike rides greater than five (5) kilometers in length, or similar races; any event with crowd size of one thousand (1,000) or more persons; and, all special events where alcoholic beverages are served. (Ord. 2016-07-05D, 7-5-2016)~~

4-7-7: 4-7-6. SPECIAL EVENT PERMIT APPLICATION:

A. Permit Required: No person shall knowingly or publicly promote or advertise, sponsor, engage in, conduct, or participate in any special event unless a permit therefor has first been obtained consistent with this chapter, except that the sponsor of any

annual special event which has taken place during at least the two (2) previous consecutive years, shall be permitted at their own risk, to publicly promote or advertise the special event for the third and subsequent years prior to obtaining the special event permit for such third or subsequent years.

B. Recurring Special Events: For recurring special events that take place on a daily, weekly or monthly basis during a specified period of time, only one permit shall be required per calendar year.

C. Application: The event sponsor shall submit the written application on forms provided by the village to the special events administrator via the village clerk within the time frames specified in this section. The village may accept late applications, if time permits, with payment of a late fee. The special events administrator may require reasonable supplementation of the information in the application, if necessary, to determine those additional terms and conditions to impose, if any, and whether to grant or deny the application.

1. Application Deadlines:

~~a. Type III high impact special event: The application must be submitted at least ninety (90) days in advance of the event date.~~

~~b. Type II medium impact special event: The application must be submitted at least forty five (45) days in advance of the event date.~~

~~c. Type I low impact special event: The application must be submitted thirty (30) days in advance of the event date.~~

a. The application must be submitted at least forty-five (45) days in advance of the event date. The special event coordinator may accept application outside of the required timeframe.

~~d. If for a block party, the application must be submitted at least fourteen (14) days in advance of the event date.~~

e.b. The foregoing time periods shall be counted so as to exclude the day the application is submitted and the day the special event will begin.

2. Required Information: The special event application shall include, but not be limited to, the following information:

a. The name, address and telephone number of the applicant and the names, addresses and telephone numbers of the applicant's representatives who will manage or direct the special event or party and who will be present during the event;

b. The date or dates of the event or party and the hours during which the applicant proposes to conduct the event;

c. The proposed location of the event or party and, if it is a parade, the route to be followed;

d. A reproducible diagram showing the proposed layout of the event or party including proposed, and if provided, restrooms, first aid facilities, emergency vehicle access, tents or temporary structures, utility lines, lighting and area restriction devices (including barricades or screening);

e. A narrative description of the event or party;

f. The number of persons expected to attend;

g. The number of vendors, merchants, exhibitors and units expected to participate and the facilities expected to accommodate them;

h. Whether or not fireworks will be used and a copy of the application for the state fireworks permit and request for village board authorization;

i. Whether tents or other temporary structures will be used;

j. Whether or not electricity and water will be needed and the manner in which they are to be provided;

k. A statement as to other types of licenses and permits, including liquor licenses, that have been or will be applied for;

l. The number and type of sound amplification devices proposed to be used as part of the event activities or party;

m. A general statement as to the number and type of musicians or musical presentations proposed to be a part of the event or party;

n. Whether any temporary signs will be displayed and the size, number and location of each;

o. Any other information the special event administrator may deem to be necessary to complete the review of the application.

D. Application Fee: ~~The special event permit application fee shall be submitted along with the application. The special event permit application fee shall be set by the village board in the schedule of fees and may be amended from time to time. The application fee is nonrefundable. (Ord. 2016-07-05D, 7-5-2016)~~ A \$50, non-refundable fee is required with all Special Event Applications. This is required at the time of application submittal. If review requires outside consultants, the applicant will be responsible to reimburse the Village for these costs. The special event coordinator can waive the fee at their discretion.

4-7-8: 4-7-7. APPLICATION REVIEW:

A. Priority Of Applications: In reviewing the applications for a given time and location, the special events committee shall give priority to annual, semiannual or other regularly scheduled or recurring special events. Resident, merchant and village entity applications shall have a priority over nonresident, nonmerchant and nonvillage entity applications. If competing applications cannot be resolved on this basis, the committee shall grant permits to the earliest completed application received for the time and place

requested. Once a special event has been granted, it shall be the policy of the village to not allow further events for the same date(s) and general location.

B. Reservation Of Annual Event Dates: If an event is intended to be an annual event at regularly scheduled dates, the current year's application may include the following year's requested dates. Approval of the current year's application will include reservation of the next year's proposed dates. However, it will not constitute approval of next year's event, which must have its own timely application submitted for village approval. In general, the village will not approve special event dates more than one year in advance.

C. Nondiscrimination: The special events committee shall consider each event permit application upon its merits and shall not discriminate based upon the purpose of the event or the content of the speech generated at the event, race, creed, color, ethnicity, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender related identity, political party affiliation (or lack thereof), familial status, or marital status.

D. Application Review:

1. Upon receipt of a completed application for a special events permit, the special event administrator, as designated by the village administrator, shall immediately forward copies thereof to the director of public works, the chief of police and other applicable directors of departments or divisions within the village (the "special event committee") and the Sugar Grove fire protection district and other agencies as needed, to determine compliance with applicable village ordinances, the effect of the event on village resources, and the anticipated effect of the event on public health or safety. ~~Within fourteen (14) days after receipt by the special event administrator, or within five (5) business days in the case of a residential block event, the special event committee shall report to the special event administrator as to their findings.~~

2. Within twenty one (21) days after the receipt of a completed application or seven (7) business days in the case of a residential block event, the special event administrator shall notify the applicant that he:

a. Will grant the permit contingent upon submission of evidence of insurance required by subsection ~~4-7-12A~~ 4-7-11A of this chapter and upon payment of the estimated cost of additional police and public works services required by subsection ~~4-7-12B~~ 4-7-11B of this chapter;

b. Will deny the permit based upon the criteria set forth in section ~~4-7-9~~ 4-7-8 or ~~4-7-12~~ 4-7-11 of this chapter; or

c. Requires a conference with the event sponsor to seek clarification or offer suggestions as to alterations in the permit application. If the proposed special event does not comply with the rules and regulations for village property, the special event administrator may present alternative locations, times or other conditions that will comply. The event sponsor can either accept the special event administrator's changes or submit a new application that complies with the issues raised by the special event administrator. (Ord. 2016-07-05D, 7-5-2016)

4-7-9:4-7-8. PERMIT DENIAL:

The special event administrator is empowered to deny a permit for a special event only if, based upon the completed application and such clarification or alteration of the application received from the applicant, the special event:

- A. Will fail to comply with noise, health or safety regulations of the village or otherwise violate applicable ordinance or state statute;
- B. Will unreasonably interfere with or restrict the delivery of village or emergency services or business or residential activity within the proposed event area, on the proposed event route or other areas of the village;
- C. Will unreasonably conflict in time or location with other permitted activities in the proposed event area or proposed event route;
- D. Will damage or destroy village property.

E. Application is not submitted by the required submittal deadlines stated above to allow for sufficient review of the event application.

In addition to the foregoing, the special event administrator may deny a permit for a special event if the event sponsor fails to attend a conference as required by subsection 4-7-78D2 of this chapter or has repeatedly violated the ordinances of the village with respect to special events within the past twelve (12) month period. (Ord. 2016-07-05D, 7-5-2016)

4-7-10:4-7-9. DENIAL OF PERMIT; APPEAL:

The decision of the special event administrator to deny or revoke a permit required by this chapter shall be appealable by the sponsor to the village board. Such appeal shall be initiated by a written notice to the village administrator before the close of the next regular village business day after the date of service of such denial or revocation, or such appeal shall be deemed waived. The sponsor shall be given an opportunity to be heard by the village board upon such denial or revocation within five (5) business days after receipt of any such notice of appeal. The village board may sustain or reverse the decision of the special event administrator based on the criteria as set forth in sections 4-7-89 and 4-7-112 of this chapter. Such decision shall be made by the village board within one day following the conclusion of any such hearing. (Ord. 2016-07-05D, 7-5-2016)

4-7-11:4-7-10. EMERGENCY REVOCATION:

Notwithstanding any other provision in this code, if in the judgment of the special event administrator, the chief of police or the Sugar Grove fire protection district fire chief, or their designees, an emergency situation has been created such that the continued use of public or private property by a permittee will immediately threaten life, health or property, the special event administrator, the chief of police or the fire chief, or their designees, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing may immediately revoke the permit and require the use of the property to immediately cease. No person shall continue to use property contrary to such order. (Ord. 2016-07-05D, 7-5-2016)

4-7-12:4-7-11. PERMIT REQUIREMENTS:

The following requirements shall be observed by special events applicants:

A. Insurance Required: ~~Prior to the issuance of the permit required by this chapter, the event sponsor shall provide the special event administrator with a certificate of general liability insurance naming the village as a primary, noncontributory coinsured with limits of not less than the following:~~

~~—1. Low impact event: Specific coverage for most events in this category can be waived based upon review by the special events committee and approval of the village administrator. If a private, and/or nonprofit group is sponsoring this event, a minimum of three hundred thousand dollars (\$300,000.00) per occurrence and/or aggregate limit of liability for personal injury, bodily injury and property damage.~~

~~—2. Medium impact event: General liability with broad form general liability endorsement or equivalent. Limits of liability shall not be less than five hundred thousand dollars (\$500,000.00) per occurrence and/or aggregate combined single limit for personal injury, bodily injury and property damage.~~

~~—3. High impact event: General liability with broad form general liability endorsement or equivalent. Limits of liability shall not be less than one million dollars (\$1,000,000.00) per occurrence and/or aggregate combined single limit for personal injury, bodily injury and property damage.~~

The applicant must submit an original Certificate of Insurance and the Additional Insured Endorsement page naming the Village of Sugar Grove, and their respective public officials, officers, employees, volunteers, agents and assigns, as an additional insured in the general aggregate amount of not less than \$1,000,000.00. Furthermore, the event that is covered by the insurance must be named on the certificate.

Such certificate shall provide that the insurance shall not be terminated or renewed for any reason without thirty (30) days' advance written notice to the village. ~~Such insurance shall not be required for residential block events and noncommercial expressive activities protected under the first amendment of the constitution of the United States. The special event coordinator may waive the insurance requirement or request additional insurance at their discretion depending on the scope of the proposed event.~~

B. Reimbursement For Village Expenses: Prior to the issuance of the permit required by this chapter, the event organizer or sponsor (the "sponsor") shall also provide the payment of a deposit for the cost to the village of the direct and reasonable costs incurred by the village to provide additional police and public works services for the special event, including pre-event planning, except that such deposit payment shall not be required for residential block events and noncommercial expressive activities protected under the first amendment of the constitution of the United States. In the event the actual amount of the additional police and public works services incurred for any event exceed the amount of the deposit provided by the sponsor, the village will send the sponsor a bill for the additional amount within thirty (30) days of the conclusion of the event. Within thirty (30) days after the date of the bill, the sponsor shall pay to the

village said additional costs. In the event the deposit made by the sponsor exceeds the actual amount of the additional police and public works costs incurred, the village will within thirty (30) days of the conclusion of the event reimburse to the sponsor the balance of monies.

C. Cleanup Required: The sponsor shall be responsible for complete cleanup of the special event site at the conclusion of the event. In the event the sponsor fails to satisfactorily clean up the premises, the sponsor shall also pay to the village within thirty (30) days after the conclusion of the permitted event, the direct and reasonable costs as required to provide for cleanup of the property if such service is not performed by the sponsor. Additionally, the amount of payment shall include compensation for loss or damage to village property.

D. Use Of Public Right Of Way And Municipal Property:

1. Use Of Public Right Of Way: All processions, parades, footraces, marathons, walk-a-thons, bike-a-thons, bike races, open air public meetings, or any other group sponsored activity occupying or using any street or public place in the village, hereinafter referred to as an "event", except funerals, are forbidden unless a special event permit is first obtained. It is unlawful for any person to participate in any of the aforementioned activities that have not been authorized by a special event permit. Use of public right of way shall comply with all applicable village policies.

2. Use Of Municipal Property: A special event permit shall be required to use municipal property. The applicant shall be responsible for securing such permit prior to the proposed activity in accordance with this chapter. Issuance of a special event permit does not entitle exclusive use of any municipal property. Nongovernment use of municipal property requires general liability insurance and must comply with all applicable village policies.

E. Sound Amplifying Devices: The use of loudspeakers or amplifiers connected with any radio, phonograph, microphone or any such device on any public street or public place is permitted, however, the village reserves the right to discontinue the use of any amplified sound if deemed unreasonable by the village police department.

F. Sale And Consumption Of Alcoholic Beverages: Any sponsor who desires to include the sale of alcoholic liquor in a special event shall be responsible for applying for and obtaining a special event liquor license as provided in title 3, chapter 2 of this code.

G. Sponsor Responsible For Conduct Of Special Event:

1. The special event sponsor shall be strictly liable for the acts of its agents, volunteers, officers and employees and shall indemnify and hold harmless the village, its officers, agents and employees from any claim, suit or liability whatsoever including, but not limited to, any court costs or reasonable attorney fees arising out of or in any way connected with any acts or omissions of sponsor, its agents, volunteers, officers and employees, or the special event.

2. Nothing herein shall relieve a sponsor, its officers, agents and employees as well as any other participants, such as restaurants, in any special event from complying

with all applicable laws and regulations of the village, state and the United States, including, but not limited to, obtaining any other permits or approvals as required by law.

H. Special Event Cosponsored By The Village: Notwithstanding anything to the contrary in this chapter, in the event persons or entities desiring to conduct a special event on public property are requesting that such a special event be cosponsored by the village, such special events proposed to be cosponsored by the village shall also be subject to the procedures and requirements as may be set forth by the village.

I. Duration Of Special Event: Except as may be provided to the contrary herein, the maximum duration for any single special event occurrence shall be ten (10) consecutive days.

J. Resident And/Or Business Notification: For those events that require street closures, or may cause disruption for village residences or businesses, the permit applicant is responsible for providing mailed or hand delivered notification to the affected parties thirty (30) days prior to the event. The special events coordinator will have the discretion to determine the method of notification. The village will determine which parties are to be notified and the village will provide the event organizer with a mailing list for the affected areas.

K. Compliance With Firearm Concealed Carry Act: Compliance with the state of Illinois firearm concealed carry act, 430 Illinois Compiled Statutes 66, is a requirement for the issuance of a special event permit being held on public property. It is the responsibility of event sponsors to post concealed carry signage on the premises pursuant to the act and to notify police dispatch if a concealed carry is spotted at the event.

L. Nontransferability Of Special Event Permit: No special event permit issued pursuant to this chapter shall be transferred or assigned or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued. (Ord. 2016-07-05D, 7-5-2016)

4-7-13:4-7-12: ADDITIONAL STANDARDS AND CRITERIA FOR SPECIFIC SPECIAL EVENTS:

In addition to the foregoing, the following special events shall be required to comply with the following standards and criteria:

A. Car Wash Events: Permits may only be granted for fundraising activities.

B. Zoos, Animal Exhibits (Except Charitable Pet Adoptions), Petting Zoos, And Animal Rides: A permit and entertainment license shall be required for a carnival, zoo, animal exhibit (except charitable pet adoptions), petting zoo, or animal rides. A limit of two (2) permits per calendar year will be allowed at the same location. All operations shall cease activities by ten o'clock (10:00) P.M. Sunday through Thursday and eleven o'clock (11:00) P.M. Friday and Saturday. A permit and entertainment license shall not be required for a small animal petting zoo and/or animal ride at a residential private party.

C. Arts And Crafts Show: Permits shall be valid for a period of not more than ten (10) days and may be renewed up to twice during any calendar year.

D. Circuses, Carnivals: Each special event permit shall be valid for a period not to exceed ten (10) days. A limit of two (2) permits per calendar year will be allowed at the same location.

E. Film Production: A film production using public or private property within the village for the purpose of producing, videotaping or filming of commercials, movies, television programs, training tapes or films and other moving picture media activity shall require a permit. The special event administrator may authorize a permit for more than ten (10) days if warranted. Film production for the filming of actual news events in progress by the media or by the village and other governmental entities serving the community shall not require a special event permit.

F. Neighborhood Garage Sales: A special event permit is required for unified neighborhood garage sales conducted and coordinated by several residential property owners within the same block or contiguous blocks, and may be allowed only in accordance with the provisions of this code.

G. Parades: A special event permit shall be required for any parade, motorcade, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display (a "parade") in or upon any street in the village.

1. Parade Application: Any person seeking to conduct a parade, motorcade or procession shall first file a parade permit application with the special event administrator not less than five (5) days before the date on which it is proposed to conduct the parade on forms provided by the village. The application for a parade permit shall set forth the following information:

a. The name, address and telephone number of the person seeking to conduct the parade.

b. If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of the organization.

c. The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.

d. The date when the parade is to be conducted.

e. The route to be traveled, the starting point and the termination point.

f. The approximate number of persons who, and animals and vehicles which, will constitute such parade; the types of animals; and description of the vehicles.

g. The hours when the parade will start and terminate.

h. A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed.

- i. The location by streets of any assembly areas for the parade.
- j. The time at which units of the parade will begin to assemble at the assembly areas.
- k. The interval of space to be maintained between units of the parade.
- l. If the parade is designed to be held by, or on behalf of or for, any person other than the applicant, a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit.
- m. Any additional information which the director shall find reasonably necessary to a fair determination as to whether a permit should issue.

2. Authority: The special events administrator, where good cause is shown therefor, shall have the authority to consider any parade application that is filed less than five (5) days before the date the parade is proposed to be conducted.

3. Standards For Issuance: The special events administrator shall issue a parade permit when, from a consideration of the application and from such other information as may otherwise be obtained, the administrator finds that:

- a. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.
- b. The conduct of the parade will not require the diversion of so great a number of police officers of this village to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to this village.
- c. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of this village other than that to be occupied by the proposed line of march and areas contiguous thereto.
- d. The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly areas.
- e. The conduct of the parade will not interfere with the movement of firefighting equipment en route to an emergency.
- f. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.
- g. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.

4. Notice Of Permit Rejection: If the special events administrator disapproves the parade permit application, the administrator shall mail to the applicant within three (3) days after the date upon which the application was filed, a notice of such action.

5. Alternative Permit: The special events administrator, in denying an application for a parade permit, may authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept

an alternate permit shall, within two (2) days after notice of the action of the administrator, file a written notice of acceptance with the administrator. An alternate parade permit shall conform to the requirements of, and shall have the effect of a parade permit.

6. Contents Of Permit: Each parade permit shall state the following information:

- a. Starting time.
- b. Minimum and maximum speed.
- c. Maximum interval of space to be maintained between the units of the parade.
- d. The portions of the streets to be traversed that may be occupied by the parade.
- e. The maximum length of the parade in miles or fractions thereof.
- f. Such other information as the special events administrator shall find necessary to enforce the provisions of this chapter.

7. Possession Of Parade Permit: The parade chairman or other person heading or leading the activity shall carry the parade permit during the conduct of the parade.

H. Grand Openings: Each special event permit shall be valid for thirty (30) calendar days and shall not be renewable unless the business changes ownership, changes name, and/or physically expands the operational floor area.

1. The number of temporary signs associated with this event shall not exceed six (6).

2. The maximum total square footage of temporary signs shall not exceed two hundred (200) square feet in surface area.

3. Temporary signs shall comply with section of [11-14-8](#) Prohibited Signs of the Village of Sugar Grove Zoning Ordinance with the exception of [11-14-8L](#) Balloons, streamers, inflatable devises, and pennants.

a. These temporary signs shall be allowed for grand opening events and shall not be counted toward the maximum total square footage of temporary signs allowed.

b. These signs shall not be setback at least twenty (20) feet from the public right of way and at least ten (10) feet from any property line.

c. Inflatable devises measuring more than ten (10) feet in height and affixed to the roof of a building or to the ground shall meet all requirements of the Village of Sugar Grove Building Code.

d. Inflatable devises shall not occupy required parking spaces.

e. On property containing other uses, the applicant shall have the written consent of the property owner and all business operators on the property prior to the installation of any inflatable devise which exceeds ten (10) feet in height. (Ord. 2016-07-05D, 7-5-2016; amd. Ord. 2018-11-20B, 11-20-2018)

