

03/01/12

VILLAGE OF DEER PARK

ORDINANCE NO. 2012- 08

AN ORDINANCE AMENDING TITLE IX
OF THE DEER PARK MUNICIPAL CODE

(RE: Addition of a New Chapter 97, "Special Events")

ADOPTED BY

THE CORPORATE AUTHORITIES

OF THE

VILLAGE OF DEER PARK

THIS 19 DAY OF March, 2012

Published in pamphlet form by authority of the Corporate Authorities of the Village of Deer Park, Illinois, this 19 day of March, 2012.

AN ORDINANCE AMENDING TITLE IX
OF THE DEER PARK MUNICIPAL CODE

(RE: Addition of a New Chapter 97, “Special Events”)

WHEREAS, the Corporate Authorities of the Village of Deer Park (“the Village”) desire to amend the provisions of Title IX, “General Regulations”, of the Deer Park Municipal Code by adding a new Chapter 97, “Special Events”:

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Deer Park, Cook and Lake Counties, Illinois, that:

SECTION 1: The President and Board of Trustees hereby find that the recitals hereinabove set forth are true and correct and are incorporated into the text of this Ordinance as its findings to the same extent as if each such recital had been set forth herein in its entirety.

SECTION 2: Title IX, “General Regulations”, of the Deer Park Municipal Code is hereby amended by the addition of a new Chapter 97, “Special Events”, which new Chapter shall read as set forth on Exhibit A attached hereto and thereby made a part hereof.

SECTION 3: The Corporate Authorities of the Village intend that this Ordinance will be made part of the Municipal Code and that sections of this Ordinance can be renumbered or relettered and the word “Ordinance” can be changed to “Section”, “Article”, “Chapter”, or some other appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or relettered and typographical errors can be corrected with the authorization of the Village Attorney, or his or her designee.

SECTION 4: All parts of the Deer Park Village Code in conflict with the terms or provisions of this Ordinance shall be and the same are hereby amended or repealed to the extent of such conflict, and said Village Code and all other existing ordinances shall otherwise remain in full force and effect.

SECTION 5: This Ordinance shall not affect any punishment, discipline, infraction, or penalty or any action based on any other Ordinance of this Village incurred before the effective date of this Ordinance, nor any suit, prosecution or proceeding pending at the time of the effective date of this Ordinance, for an offense or violation committed or cause of action arising before this Ordinance, and said other ordinances as heretofore existing shall continue in full force and effect for said limited purpose.

SECTION 6: If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof. The Corporate Authorities hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentence, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 7: This Ordinance shall be in full force and effect from and after its passage, approval and publication, as required by law.

SECTION 8: The Village Clerk is directed to immediately publish this Ordinance in pamphlet form.

PASSED this 19 day of March, 2012, pursuant to a roll call vote as follows:

VOTE:

AYES: 6

NAYS: 0

ABSENT: 0

ABSTAIN: 0

APPROVED this 19 day of March, 2012

Robert Kellermann
Robert Kellermann, Village President

ATTEST:
Gilbert Schneider
Village Clerk

PUBLISHED IN PAMPHLET FORM THIS 19 DAY OF March, 2012.

(3/1/12)

EXHIBIT A

CHAPTER 97: SPECIAL EVENTS

Section

§97.01	Definitions
§97.02	Permit and Requirements
§97.03	Exceptions
§97.04	Permit Conditions and Approval Criteria
§97.05	Permit Procedure
§97.06	Review Process Reference Table
§97.07	Permits for Parades, Processions, Races, Marathons, and Certain Public Meetings

§97.01 DEFINITIONS:

Whenever the following words, terms and/or phrases are used in this Chapter, they shall have the meanings respectively ascribed to them in this Section as specified below, except where the context indicates otherwise:

GOVERNMENTAL ENTITY: Any state, federal or local governmental entity created either by state or federal law. Any affiliates who are directly connected to that same governmental entity which are duly authorized and sanctioned by the governmental entity shall be considered a governmental entity for purposes of this chapter.

PRIVATE SPECIAL EVENT: Those events of a temporary nature, provided for an exclusive or invited group of a limited number of attendees, held on a premises approved by the Village, does not exceed approved occupancy limits of the premises on which said special event is held, not intended for the general public, without a fee, admission, or other charge assessed to attend.

PUBLIC SPECIAL EVENT: Those events for which the general public is invited or has access and/or ability to attend and/or participate.

§97.02 PERMIT AND REQUIREMENTS:

(A) **Permit Required:** Any person or entity desiring to hold a special event within the Village is required to apply to the Village and obtain approval by the Village for a special event permit prior to the commencement or establishment of any special event or preliminary work thereon. All applications for a special event permit must be completed in full and be accompanied by any and all required fees, certificate of insurance, and related submittals. Special event permits shall not be transferrable and shall be null and void upon written notice by the Village to the permittee based on the following:

- (1) The applicant fails to provide all the necessary information required;
- (2) The applicant provides false information;
- (3) The applicant or the business is not in compliance with any provision of this code, state or federal laws, rules or regulations;
- (4) The applicant has a background or history of violating local ordinance, state or federal law, rule or regulation;
- (5) The public health, welfare or safety would be adversely affected by the continuation of the permit;
- (6) The permit was issued in error;
- (7) The applicant has outstanding fines, fees, or monies due the village and has failed to pay them.

Should additional special events be contemplated by the applicant, which special event(s) were not part of the original permit application submitted or approved after the issuance of the permit, the applicant shall submit an additional application therefor to the Village requesting approval of the additional proposed special event(s) or respective amendment(s) to the current special event permit.

- (B) The fee for a special events permit shall be one hundred dollars (\$100.00) for each day of the event. Any refund of the permit fees shall be at the discretion of the Village Board or its designee.
- (C) Inspection: All special events and the premises on which it is held shall be subject to periodic inspections by authorized Village personnel to ensure continual compliance with the terms of this Chapter and/or the special event permit issued therefor.
- (D) Posting: Once issued, a special event permit shall be posted in a conspicuous location at the site of the event and made available upon request by any authorized Village personnel.

§97.03 EXCEPTIONS:

Certain exceptions have been made for the following entities; however, these exemptions shall not include tent and right-of-way permits and other required permits and licenses:

- (A) Governmental entities shall be exempt from special event permitting.
- (B) Educational institutions, approved or authorized by the State of Illinois, shall be exempt from special event permitting.
- (C) Daycare centers holding private special events shall be exempt from special event permitting.
- (D) Private special events when held within the confines of a building shall be exempt from the special event permitting (provided, however, this exemption for private special events shall not exempt the event from all applicable liquor regulations and health and sanitation regulations).
- (E) Potluck events as defined in 410 Illinois Compiled Statutes 625/3.1 shall be exempt from special event permitting.

§97.04 PERMIT CONDITIONS AND APPROVAL CRITERIA:

Special event permits shall be reviewed and considered by the Village based upon the following criteria and shall be issued subject to compliance with this section:

- (A) Access To Event For Attendees: There shall be in every permitted premises not less than two (2) doors for exits leading to the outside, each not less than three feet (3') in width and opening outward. Additionally, every room used for event purposes shall have a direct entrance from the public street unless the entire interior thereof shall be visible through windows from the street, and all parts of the premises shall be open and unobstructed by partitions, screens or other devices. This provision shall not, however, be applicable to licensed hotels, motels or restaurants whose principal business is the furnishing of food and/or lodging to patrons or existing establishments that have been granted approval for the use of partitions.
- (B) Access By Authorized Village Personnel: As a condition of the permit, the permittee shall permit free and unobstructed access to the premises during the preinspection, licensing inspection, and postinspection phases of event approval, by authorized village personnel while acting on village business.

- (C) Activities Allowed: Any activity occupying or using any street, public place, or public right-of-way in the village may be allowed only in accordance with the provisions of this Code where applicable.
- (D) Admission Fee Charged: The application must provide, in sufficient detail, information regarding whether admission fees or charges are to be assessed to attendees.
- (E) Advertising and Signage For Special Event: The application must provide, in sufficient detail, information regarding the proposed location of, and what type of event advertising and signage is proposed to be utilized. All signage, and the location thereof, for the special event shall be subject to the approval in advance by the Village Administrator, or his or her designee, prior to the posting thereof, and sign permits for temporary signs shall be required in accordance with this Code.
- (F) Alcohol Beverage Service: If consumption of alcohol is proposed, said use must comply with all applicable provisions of the Deer Park Municipal Code and Illinois State law, including but not limited to the applicant's application for and obtaining of the required Village and State liquor license(s).
- (G) Amusement Rides/Equipment: If amusement rides/equipment use is proposed, said use must comply with all applicable provisions of the Deer Park Municipal Code and Illinois State law.
- (H) Animal Shows; Demonstrations; Exhibits; Exhibitions: If animal use is proposed, said use must comply with all applicable provisions of the Deer Park Municipal Code, all applicable rules, regulations, ordinances and Illinois State law.
- (I) Certificate Of Insurance: All applications for a special event permit shall be accompanied by a certificate of general liability insurance which shall name the Village of Deer Park, the Lake County Sheriff's Office, and their respective officers, officials, employees, agents, and volunteers as additional insureds and shall be subject to the prior approval of the Village Attorney.
- (J) Compatibility With Surroundings And Existing Development: The nature and intensity of the special event must be so planned that the special event will be compatible with the surroundings and the existing development in the vicinity of the site.
- (K) Compliance With Village Standards: The special event proposed shall be in compliance with all applicable provisions of the Deer Park Municipal Code.
- (L) Deposits: A cash deposit to reimburse the Village for any costs incurred by the Village relative to the event for which a special event permit is issued may be required. A minimum cash deposit of five hundred dollars (\$500.00) or more may be required depending on the nature of the event as determined by the Village Administrator, or his or her designee.
- (M) Entertainment License Also Required: If the special event includes entertainment, as defined in the Deer Park Municipal Code, a separate entertainment license shall be required.
- (N) Event Description: The application must provide, in sufficient detail, a complete and accurate description of the event for which the permit is applied.
- (O) Fees: No permit shall be issued until all applicable fees are paid.

- (P) Fire And Life Safety: Events must comply with all applicable provisions of the Deer Park Municipal Code.
- (Q) Food Service: If food is prepared or served, said event must comply with all applicable provisions of the Deer Park Municipal Code and all applicable State and County rules, regulations, and laws. A food menu shall be provided with the application.
- (R) Fundraising Activities: Events including fundraising activities shall comply with all applicable provisions of the Deer Park Municipal Code and all applicable State of Illinois rules, regulations, and laws.
- (S) Health, Safety, And Welfare: In all respects, the event shall not significantly or materially be detrimental to the health, safety, and welfare of the public or injurious to other property or improvements in the surrounding area, including, but not limited to, excess traffic, parking, noise, pedestrian safety, and adverse effects on neighboring areas.
- (T) Indemnification Agreement; Waiver and Release: As a condition of approval of the proposed special event permit, the applicant shall be required to execute an Indemnification Agreement, Waiver and Release provided by the Village and in substantially the form contained in Section 97.07 of this Chapter.
- (U) Lighting And Sound Systems Utilization: Lighting, sound, and/or stage systems will be inspected by the village and shall be in compliance with village and state laws. All proposed lighting and sound system utilization, and the location thereof, for the special event shall be subject to the approval in advance by the Village Board, or its designee, prior to issuance of the respective special event permit.
- (V) Municipal Property Use Permit: If the event includes use of municipal property, said use must comply with all applicable provisions of the Deer Park Municipal Code and any other applicable Village policies.
- (W) Nuisance Control: Efficient means shall be employed to prevent ordinary sounds of the event emanating from and/or within the premises from being heard on adjoining premises or on the public street; and no unusually loud entertainment noise or any boisterousness or noisy conduct on the part of the patrons shall be permitted. All premises shall be reasonably lighted at all times when any patrons shall be therein, and at all times when such premises are open to the public. Premises access doors shall remain closed during the course of any event. No deliveries shall be accepted while an event is in progress.
- (X) Occupancy/Attendance: Occupancy and attendance at the proposed special event shall be limited to the maximum occupancy for the respective premises at which said special event is held and shall be in compliance with all applicable provisions of the Deer Park Municipal Code, Fire District ordinances, and County and State laws.
- (Y) Open To The General Public: The application shall provide, in sufficient detail, information regarding who is invited to attend and/or participate in the event and whether the general public may attend and/or participate.
- (Z) Parking Availability: Parking areas, both on and off street, for the particular event, shall be of adequate size, properly located, and the entrance and exit drives shall be laid out so as to prevent traffic hazards and nuisances.

- (AA) Premises And/Or Parcel Of Sufficient Size: The size of the premises and/or parcel shall be of sufficient size to adequately accommodate the event.
- (BB) Police Activity During The Preceding Year: The application must provide, in sufficient detail, information regarding past police activity at any prior similar events or events sponsored by the same party in the Village.
- (CC) Police Activity At Any Prior Events In Other Jurisdictions: The application must provide information regarding past police activity at any prior similar events or events sponsored by the same party in jurisdictions outside of the Village.
- (DD) Public Right-of-way Use: Any event or activity occupying or using any street, public place, or public right-of-way in the Village may be allowed only in accordance with these provisions and only after a right-of-way permit has been issued by the Village.
- (EE) Refuse And Recycling Needs: Refuse and recycling shall be in compliance with Village rules, regulations, and ordinances. As needed, a recycling container shall be placed next to each refuse container for public use. Materials recycled shall include, but may not be limited to, plastic, glass, aluminum, and paper. Final disposal of the refuse and recyclables shall be placed in the appropriate designated dumpsters.
- (FF) Restroom Facility Availability: Every premises shall be provided with separate isolated toilets and lavatory facilities for each sex, which shall be constructed and maintained in a sanitary condition in conformance with the laws of the State of Illinois, of the applicable county health department, and all other applicable provisions of the Deer Park Municipal Code.
- (GG) Sales And/Or Promotions: The sale, service, or consumption of commodities for which permits and licenses are otherwise required shall not be permitted in any premises unless the proper license or licenses therefor are obtained for the premises in the name of the owner or manager of such premises.
- (HH) Security Required: The application must provide, in sufficient detail, information regarding the security plan, as well as whether security personnel are armed or unarmed.
- (II) Smoking: Smoking shall be in compliance with Village and State law.
- (JJ) Temporary Structures (Tents/Canopies): Any tent, canopy, and/or temporary structure erected to house all or part of an event shall require a permit and shall be removed within three (3) days of the completion of the event. There shall be no exemptions to this requirement. Such temporary structure(s) shall comply with all applicable provisions of the Deer Park Municipal Code.
- (KK) Traffic: The location of the event shall be designed so that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the event.
- (LL) Village Services: The application must provide information regarding request for Village services, including but not limited to police services, and any request to waive fees associated with providing these services in accordance with the applicable provisions of the Deer Park Municipal Code and any other Village policy.
- (MM) Other Conditions And Approval Criteria:

- (1) The permit holder shall be required to pay for any additional police, fire or other Village response required to attend any event.
- (2) A review of the specific premises may be required by the Village to determine that any life or safety codes are not in violation during the proposed event.
- (3) In addition to the specific regulations, standards, and time limitations set forth in this section, events shall be subject to such conditions and restrictions on their location and operation as deemed necessary from time to time by the Village Administrator, or his or her designee.
- (4) No person shall give away or use any live animal as a prize or as an inducement to enter any contest or game.

§97.05 PERMIT PROCEDURE:

- (A) **Application:** An application for a special event shall be made by the owner of the affected property or duly authorized agent. Written permission from the property owner or duly authorized agent to hold such an event shall accompany the application, if applicable. In situations where there is question as to whether the event is regulated by the special event provisions, the applicant may first submit a letter of request for preliminary review to the Village Administrator, or his or her designee.
- (B) **Review; Approval Or Denial Of Application:** All special event applications, together with all required submittals and payment of respective fee(s) and/or deposit(s), shall be submitted to the Village Administrator, or his or her designee, for his initial review. Applications shall be submitted forty five (45) days prior to the event. Applications that do not meet the time criteria will be reviewed on a case by case basis. Except as otherwise provided in this Chapter, all applications shall be subject to the final approval of the Village Board, or its designee. The Village Administrator, or his or her designee, may deny the permit if it is determined that the Village Board has insufficient time to review and consider any application. Within seven (7) days of notice of denial or revocation of a special event permit, a written appeal may be made to the Village Board or its designee by the applicant.
- (C) **Information Required For Conditions And Approval Criteria:** Applications for special events shall include all of the information required for the conditions and approval criteria.
- (D) **Entertainment License:** Applications which also require an entertainment license shall be referred to the Village Board for approval.
- (E) **Special Events Allowed:** Events that may be allowed as special events pursuant to this Chapter shall include, but not be limited to, the following:
 - (1) **Block Parties And Street Dances:** A special event permit shall be required for block parties and street dances.
 - (2) **Car Wash Events:** A special event permit shall be required for all car wash events, and such permits may only be granted for fundraising activities.
 - (3) **Carnivals, Zoos, Animal Exhibits (Except Charitable Pet Adoptions), Petting Zoos, And Animal Rides:** A special event permit and entertainment license shall be required for a carnival, zoo, animal exhibit (except charitable pet adoptions), petting zoo, or animal rides

and may only be granted to Deer Park not-for-profit organizations (Deer Park not for profit organizations shall either be based in Deer Park or have a minimum of 51 percent of their membership residing within the Village limits). Each such permit shall be valid for a period not to exceed ten (10) days per calendar year. 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.

- (4) Christmas Tree Sales: A special event permit shall be required for the outdoor display and open lot sales of Christmas trees, and such permits may only be granted to Deer Park not-for-profit organizations (Deer Park not-for-profit organizations shall either be based in Deer Park or have a minimum of 51 percent of their membership residing within the Village limits). However, a permit shall not be required for the outdoor display and sale of Christmas trees within permanent outdoor sales areas which are incidental and accessory to an approved permitted use. Each such permit shall be valid for a period not to exceed forty five (45) days. All unsold trees must be removed from the property by December 31 of each calendar year.
- (5) Circuses: A special event permit and entertainment license shall be required for circuses. Each special event permit shall be valid for a period not to exceed ten (10) days per calendar year. A limit of two (2) permits per calendar year will be allowed at the same location.
- (6) 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.
 - (a) If a production is of a simple nature, does not involve closing of any streets, requires no Village employees and/or Village equipment to participate in the event, then the Village Administrator, or his or her designee, shall issue a special event permit to the person, persons, or organization making application therefor.
 - (b) If a production involves the closure or blockage of any Village streets and/or Village employees, Village equipment, or other Village resources are to be used in the course of the production, the special event permit shall require Village Board approval.

Film production for the filming of actual news events by the media or by the Village and other governmental entities serving the community shall not require a special event permit.

- (7) Neighborhood Or Residential Garage Sales: A special event permit is required for neighborhood or residential garage sales conducted 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.
- (8) Promotions, Corporate Functions, Gatherings, Grand Openings And Ribbon Cuttings, And Nonresidential Open Houses Occurring Outside A Building:
 - (a) Any private promotion or event scheduled outside of a building or structure shall be required to secure a special event permit.
 - (b) Any public promotions, corporate functions, gatherings, grand openings and ribbon cuttings, and nonresidential open houses shall require special event permit and Village Board approval.

Each such permit shall be valid for a period not to exceed a total of thirty (30) days per calendar year for the same location and the days need not be consecutive.

- (9) Parades, Processions, Marathons, And Public Meetings: Parades, processions, marathons, and public meeting special events must comply with all applicable provisions of the Deer Park Municipal Code.
- (10) Public Events/Food Consumption: Whenever food is available for consumption by the general public, a special event permit and the approval of the applicable county health department shall be secured.
- (11) Temporary Outdoor Sales:
- (a) Arts And Crafts Show: A special event permit shall be required for all temporary outdoor arts and crafts shows. Each such permit shall be valid for a period of not more than ten (10) days and may be renewed twice during any calendar year.
 - (c) Other Temporary Outdoor Sales: A special event permit shall be required for all temporary outdoor sales. Each such permit shall be valid for a period of not more than ten (10) days and may be renewed twice during any calendar year. Such sales may be conducted only on the premises of a business where the same products are sold and as an accessory use to an existing business that sells the product, or on the premises of regional shopping centers. Such temporary sales shall be conducted by the operator of said business with a Deer Park business license for that purpose. All sales transactions must take place either on the premises of a Deer Park business or on the premises of a regional shopping center. Storage of trucks and trailers and sales and/or display of products from trucks or truck trailers is prohibited.
- (12) Vehicle Exhibits Or Demonstrations Held Outdoors: A special event permit and entertainment license shall be required for vehicle exhibits and demonstrations including, but not limited to, cruise nights and car or truck demonstrations. Such a special event permit shall require Village Board approval.

§97.06 REVIEW PROCESS REFERENCE TABLE:

SPECIAL EVENT REVIEW PROCESS REFERENCE TABLE

Administrative Review (By Village Administrator, Lake County Sheriff's Office and Building Department)	Village Board Approval
Assembly, open air public meeting, and rally. No street closures, blockages, or other Village resources required.	Assembly, open air public meeting, and rally. With street closures, blockages, and/or other Village resources required.
Bicycle race and bike-a-thon. No street closures, blockages, or other Village resources required.	Bicycle race and bike-a-thon. With street closures, blockages, and/or other Village resources required.
Block party and street dances. No street closures, blockages, or other Village resources required.	Block party and street dances. With street closures, blockages, and/or other Village resources required.
Car wash event fundraiser. No street closures, blockages, or other Village resources required.	Car wash event fundraiser. With street closures, blockages, and/or other Village resources required.

	Carnivals, zoos, animal exhibits, petting zoos, and animal rides. Both a special event permit and an entertainment license are required.
Ceremony/wedding processions. No street closures, blockages, or other Village resources required.	Ceremony/wedding processions. With street closures, blockages, and/or other Village resources required.
Christmas tree sales on open lots. (for Deer Park not-for-profit organizations only)	
	Circuses. Both a special event permit and an entertainment license are required.
Film production. No street closures, blockages, or other Village resources required.	Film production. With street closures, blockages, and/or other Village resources required.
Marathon, walk-a-thon, and races. No street closures, blockages, or other Village resources required.	Marathon, walk-a-thon, and races With street closures, blockages, and/or other Village resources required.
Neighborhood or residential garage sales. Same block or contiguous blocks.	
	Other group sponsored activity occupying or using any street or public place With street closures, blockages, and/or other Village resources required.
Processions and parades. No street closures, blockages, or other Village resources required.	Processions and parades With street closures, blockages, and/or other Village resources required.
Promotions, corporate functions, gatherings, grand openings and ribbon cuttings, and nonresidential open houses. No street closures, blockages, or other Village resources required.	Promotions, corporate functions, gatherings, grand openings and ribbon cuttings, and nonresidential open houses. With street closures, blockages, and/or other Village resources required.
Public special event food consumption	
Temporary outdoor sales: Arts and crafts shows Other outdoor sales	
Tent/canopy/temporary structure.	Vehicle exhibits and demonstrations held outdoors. Both a special event permit and an entertainment license are required.

§97.07 PERMITS FOR PARADES, PROCESSIONS, MARATHONS, RACES, AND CERTAIN PUBLIC MEETINGS:

- (A) Requirement: All parades, processions, 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 other public place in the Village, hereinafter referred to as a “special event”, except funerals, are

forbidden unless public right-of-way permits are first obtained. Public right-of-way and special event permits, dependent upon class, require either Village staff approval or Village Board permit approval. It is unlawful for any person to participate in any of the aforementioned activities that have not been authorized by a public right-of-way permit and special event permit issued by the Village.

- (B) Application, Grounds For Refusal: Written application of the purpose, time, number of participants, and desired route of any of the events and the names of the officers or persons in charge of the same must be provided to the Village Administrator, or his or her designee, at least forty five (45) days prior to the event by the person or persons responsible therefor. The Lake County Sheriff's Office may designate the route, the location, and the width of the street the special event may use. Special reference to crowded thoroughfares and impact on the surrounding community shall be considered. It shall be the duty of the person or persons in charge of the activity to obey such designation when made. The Village Administrator, or his or her designee, may refuse to issue or may revoke such permit(s) if the applicant, group, organization, or person associated with the applicant has in previous years, in connection with any previous activity, violated the provisions of a similar permit, municipal ordinances, or laws of any state or of the United States, or if by reason of the nature of the proposed activity the Village Administrator, or his or her designee, or the Lake County Sheriff's Office shall be of the opinion that the granting of such permit(s) will result in a breach of the peace, undue interference with traffic by those involved in such activity, or for other specific grounds contrary to public order or safety. The Village Board may also deny issuance of such permit(s) on any of the above grounds. Within seven (7) days of notice of denial or revocation of such permit(s) issued by the Village Administrator, or his or her designee, a written appeal may be made to the Village Board, or his or her designee, by the applicant.
- (C) Information Required: An application for such permit(s) shall set forth the following information:
- (1) The route along which such aforementioned activity is to proceed;
 - (2) The time such event is to start;
 - (3) The duration of such event;
 - (4) The number of anticipated participants;
 - (5) The name of the person, persons, or organization in control thereof or responsible therefor;
 - (6) The purpose of such event;
 - (7) A detailed list of village support requested or required.
- (D) Issuance Of Permits: If the Village Administrator, or his or her designee, upon recommendation from the Lake County Sheriff's Office, finds that such event is to be held for a lawful purpose, will not tend to be a breach of the peace, will not interfere with the public use of the public ways of the village, or will not interfere with the peace and quiet of the residents of the Village, permits issued for right-of-way usage and the related special event may be approved as follows:
- (1) Class A Permit: If a special event is of a small nature, i.e., not more than one hundred (100) anticipated participants, not closing any streets, requiring no Village employees or Village equipment to participate in the event, then the Village Administrator, or his or her designee, shall issue such public right-of-way permit and special event permit to the person, persons, or organization making application therefor.
 - (2) Class B Permit: If a special event has more than one hundred (100) anticipated participants, some Village streets may be closed or blocked, or Village employees or Village equipment or Village resources (including but not limited to the resources of the Lake County Sheriff's Office) are to be used in the course of this event, the Village Administrator, or his or her

designee, may recommend to a Village Board issuance of the permit(s). The Village Board shall review the request and approve or disapprove an application for such permit(s).

(E) Insurance And Indemnification Requirements:

- (1) A person, persons, or organization making application for a Class A or Class B public right-of-way permit and/or a related special event permit shall execute an agreement to indemnify and hold harmless the Village and the Lake County Sheriff's Office, relative to the special event on a form provided by the Village Administrator, or his or her designee, and substantially in the form set forth in this Chapter. The Village and the Lake County Sheriff's Office, their respective officers, trustees, employees, agents, and volunteers, shall be listed as additional insured on a general liability insurance policy in the amount of at least two million dollars (\$2,000,000.00) per claim. The Village Administrator, or his or her designee, may reasonably require special events insurance and dram shop insurance if liquor will be sold or served at the event.
- (2) The applicant for a Class A or Class B public right-of-way permit and/or a related special event permit shall execute an indemnification and hold harmless agreement indemnifying the Village and the Lake County Sheriff's Office, and their respective officers, trustees, employees, volunteers, and other agents, which shall be in substantially the following form:

INDEMNIFICATION AGREEMENT, WAIVER AND RELEASE

The undersigned, as the duly-authorized agent of the Applicant(s) for certain permits and approvals from the Village of Deer Park (the "Village") relative to the above-captioned Special Event ("Village approvals") related to the use of certain Village public ways(s), for his, her, and/or their respective officers, members, volunteers, invitees, participants, agents, heirs, successors and/or assigns, do(es) hereby agree to, to the greatest extent permitted by law, hold harmless, indemnify, and defend the Village and the Lake County Sheriff's Office and their respective officers, officials, employees, volunteers, and other agents (collectively referred to as the "Indemnitees") from and against any costs, claims, and/or damages, losses, liability, and/or other expense (including but not limited to attorneys' fees and other costs of defense of counsel for the Village selected by the Village, and including but not limited to attorneys' fees and other costs of defense of counsel for the Lake County Sheriff's Office selected by Lake County) directly or indirectly arising out of or related to the Village approvals granted by the Village and/or any agreement made or entered into with the Village, and/or arising out of or related directly or indirectly to the aforesaid Special Event and the applicants' use of the Village's public way(s), including but not limited to any challenge to such Village Approvals, and/or any claim whether or not arising out of or related to, in whole or in part, any act(s) or omission(s) of the Applicant(s), or its respective officers, members, volunteers, invitees, participants, and/or agents, whether or not such acts or omissions are authorized, allowed, or prohibited by this Resolution or any permit, license, or other approval granted by the Village or any agreement made or entered into with the Village relative to the aforesaid special event; and the undersigned also agree(s) to and do(es) hereby waive and release any claim or cause of action the undersigned and/or his, her, or its respective officers, members, volunteers, invitees, participants, agents, heirs, successors, and/or assigns might have now or in the future against the Indemnitees arising out of and/or related directly or indirectly to the aforesaid Special Event and/or the use by the Applicant(s) and its officers, members, volunteers, invitees, participants, agents, heirs, successors and assigns of the Village public way(s).

This Indemnification Agreement shall be and is binding on the applicant(s) and on any of his, her, its, and/or their respective officers, members, volunteers, invitees, participants, agents, heirs, successors, and/or assigns of the Applicant(s).

The undersigned states that he or she is duly authorized to execute this Indemnification Agreement, Waiver and Release on behalf of the Applicant(s) set forth below and hereby accepts the terms and conditions of the Village approvals for the aforesaid Special Event granted by Resolution for the Applicant(s) and their respective officers, members, employees, agents, volunteers, invitees, participants, agents, successors and assigns, and agrees to be bound by same.

_____ (“Applicant”)

By: _____
[Print Name] _____
Its _____, and duly authorized agent

ATTEST:

Its _____

- (F) Cash Deposit Required: A person, persons, or organization making application for a public right-of-way permit shall be required to post a cash deposit with the Village Treasurer in order to reimburse the Village for any expenses incurred by the Village relative to the proposed special event, in the amount of not less than five hundred dollars (\$500.00) or such other amount as reasonably determined necessary by the Village Administrator, or his or her designee, prior to a permit being issued. Subject to the approval of the Village Board, issuance of the permit by the Village Administrator, or his or her designee, shall be granted upon presentation of proof that the cash deposit has been paid. This cash deposit shall be refundable to the permit holder upon completion of the aforementioned activity, less any funds expended to reimburse the Village for its costs incurred relative to the special event.
- (G) Waiver Of Cash Deposit; Reduce Amount Of Insurance: A request for the waiver of the cash deposit or reduction in the insurance amounts shall be presented to the Village Board. Only the Village Board has the authority to waive the cash deposit and/or reduce the amount of insurance required.
- (H) Class B Permit; Additional Insurance, Cash Deposit: The Village Board may require additional insurance, cash deposit, or indemnification after a review of a Class B public right-of-way permit application, as determined reasonable and necessary to protect the interests of the Village, its residents, officials, employees, agents, or property.