

CHAPTER 118: AMUSEMENT AND PLACES
OF ENTERTAINMENT

SECTION

ARTICLE I: AMUSEMENTS

- 118.001 Rules and Definitions
- 118.020 Number of Amusement Devices
- 118.021
through
- 118.035 Reserved

ARTICLE II: CERTAIN GAMES OF CHANCE

- 118.036 Raffles and Certain Lotteries
- 118.037
through
- 118.045 Reserved

ARTICLE III: PLACES OF ENTERTAINMENT; DANCING;
SKATING

- 118.050
through
- 118.225 Reserved

ARTICLE IV: CHARITABLE GAMES

- 118.400 Charitable Games

ARTICLE V: SPECIAL EVENTS AND BLOCK PARTIES

- 118.601 Special Event Permit Required
- 118.605 Special Event Permit Application
- 118.610 Review of Special Event Permit Application
- 118.615 Issuance of Special Event Permit
- 118.616 Sale of Alcoholic Liquor
- 118.620 Denial of Special Event Permit
- 118.625 Resolution of Conflicts
- 118.630 Change of Location
- 118.635 Non-transferability and Term of Special Event Permit
- 118.636 Block Party Permit Required
- 118.637 Block Party Permit Application
- 118.640 Maintenance of Public Property and Payment of Costs
- 118.645 Emergency Vehicle Access
- 118.650 Rules and Regulations
- 118.655 Revocation of Permits
- 118.665 Definitions
- 118.660 Reserved

ARTICLE VI: PENALTY

118.999 Penalty

ARTICLE I: AMUSEMENTS

Sec. 118.001 Rules and definitions

For the purposes of this Article I, the term "Coin-in-slot-operated amusement device" shall mean a machine or other device designed for self-service use and designed upon the insertion of a coin to deliver to the player/operator thereof no money or property or right to receive money or property but only the right of operation or play; which machine or other device shall include but not be limited to pinball machines, shuffleboards, bowling machines, skillclaw machines (enabling the player/operator the right to receive property but not money), and any photoelectric or electronic amusement device, which in its operation shoots or propels an electric light, ray or impulse to a target and which shall be subject to the amusement tax contained in Chapter 97 of this Code. "Coin-in-slot-operated amusement device" shall not include coin-operated phonograph, automatic merchandise vending machines, automatic medical testing devices, or "video gaming terminals", as that term is defined in the Video Gaming Act, 230 ILCS 40/5. (Ord. 7-83, J. 15, p. 0274, passed 2/28/83; Ord. 76-06, J. 32, p. 359-361, passed 12/11/06; All definitions except "coin-in-slot amusement device" definition deleted by Ord. 36-07, J. 33, p. 222-234, passed 5/14/07; Ord. 62-09, J. 35, p. 220-223, passed 11/9/09)

[Sections 118.002, 118.003, 118.004, 118.005, 118.006, 118.007, 118.008, 118.009, 118.010, 118.011, 118.012, 118.013, 118.014, 118.015, 118.016, 118.017, 118.018, and 118.019 Deleted by Ord. 36-07, J. 33, p. 222-234, passed 5/14/07]

Sec. 118.020 Number of amusement devices.

It shall be unlawful for any person, firm, or corporation, or any number of or combination of persons, firms, or corporations, to have or to maintain upon or within any premises in excess of 9 coin-in-slot-operated amusement devices as accessory uses; however, the terms of this Section shall not be construed to regulate the maintenance and use of coin-in-slot-operated amusement devices by the Highland Park Youth Committee in the youth center at the "Fire House" or by the Park District of Highland Park. (Ord. 76-06, J. 32, p. 359-361, passed 12/11/06; Ord. 36-07, J. 33, p. 222-234, passed 5/14/07)

Sec. 118.021 thru 118.035 Reserved.

(Sections 118.001 through 118.035 revised in toto by Ord. 18-82, J. 15, p. 0047, passed 5/25/82)

ARTICLE II: CERTAIN GAMES OF CHANCE

Sec. 118.036 Raffles and certain lotteries.

(A) Prohibition. It is unlawful for any person, firm, or corporation to establish, set up, maintain, carry on, operate and/or conduct a raffle within the corporate limits of the City of Highland Park.

(B) Exceptions. The preceding shall not apply, however, to not-for-profit corporations and other charitable institutions which meet the definitions thereof set forth in 230 ILCS 15/2(b); provided, however, that members of the not-for-profit corporations or

other charitable institutions are in fact in control of, managing, and operating such raffle and further provided that any such not-for-profit corporation and/or other charitable institution undertaking to establish, set up, maintain, carry on, operate and/or conduct any given raffle within the corporate limits of the City of Highland Park shall have first been issued a license for such raffle as hereinafter provided. (Ord. 57-95, J. 22, p. 274-275, passed 7/24/95)

(1) Procedure on application.

(a) Applications for raffle licenses required by this Subsection shall be made in writing to the City Clerk on the form provided by the office of said City Clerk.

(b) The form of any such application shall require the following information: Name of not-for-profit corporation or other charitable institution; the business address of the applicant; the state and date of incorporation; the names, addresses, and birth dates of all officers and paid executives of such not-for-profit corporation or other charitable institution; the length of time for which such raffle license is desired; a statement as to whether any officer or director of the applicant has ever been convicted of a felony and, if so, the nature of the offense and the punishment or penalty assessed therefor; the cost of each chance to win such raffle; the time period and the area or areas within the City of Highland Park in which raffle chances will be sold or issued; the location within the City, date, and time where and when the winning chances will be determined, and a sworn statement attesting to the not-for-profit character of the prospective licensee, signed by the presiding officer and attested to by the secretary of that prospective licensee. (Ord. 57-95, J. 22, p. 274-275, passed 7/24/95) **(Ord. 88-13, J. 39, p. 309-312, passed 8/26/13)**

(2) Issuance of license.

(a) Prior to the issuance of any lottery license, the City Clerk shall, in conjunction with the Chief of Police, make, or cause to be made, an investigation in regard to such application in order to determine that the applicant is a proper applicant under the terms of this Section.

(b) Within 28 days of the receipt of any such raffle license application properly completed and filed as set forth hereinabove, accompanied by the appropriate fees as may be required elsewhere in this Section, the Mayor is hereby authorized to grant any such raffle license for any period of time not exceeding 6 months.

(3) Denial, revocation, and termination.

(a) Any such raffle license application may be denied, or any existing license may be revoked by the Mayor if he determines either:

(i) That the application of the applicant or licensee contains any false, fraudulent, or misleading statement; or

(ii) That the applicant, licensee, or any officer or director or manager or employee of such applicant or licensee has made any false or fraudulent or misleading statement, or is not of good moral character, or is or has been a professional

gambler, a gambling person, or has been convicted of a felony or of perpetrating a fraud upon any person -- whether or not such fraud was perpetrated within the corporate limits of the City of Highland Park, or

(iii) That the applicant, licensee, or any officer or director of any applicant or licensee has conducted any activities in the City of Highland Park in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety, or general welfare of the public.

In the event of any revocation of any such license, the licensee shall immediately refund all monies to the persons who purchased raffle tickets and/or chances through the time of such revocation.

(b) Raffle licenses shall be valid for one raffle and shall automatically terminate on the last day of the period of time for which they were issued - as stated on the license form itself unless terminated by prior revocation pursuant to the regulations contained elsewhere in this Section.

(4) Other regulations.

(a) Licenses under this Section shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continually within the State of Illinois for a period of five years immediately before making application for a license and which have had during that entire five year period a bona fide membership engaged in carrying out their objectives, or to a non-profit fundraising organization that the City determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster. (Ord. 57-95, J. 22, p. 274-275, passed 7/24/95)

(b) Location of drawing on any licensed raffle may be changed provided 10 days written notice thereof is given the City Clerk and provided other requirements of this Section are complied with.

(c) No license issued under this Section shall be transferred or assigned or used by any other person, firm, or corporation than the one to whom it is originally issued.

(d) Each license shall be displayed in a conspicuous place at the location where the drawing is to take place.

(e) The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the licensee.

(f) No person may receive any remuneration or profit for participating in the management or operation of the raffle.

(g) The price or prices of tickets or chances in the raffle shall not exceed \$200 each; and such tickets or chances may only be sold within the area specified on

the license; and winning tickets and/or chances may be determined only at the location(s) specified on the license.

(h) No person under the age of 18 years may participate in the conducting of raffles or chances. A person under the age of 18 years may be within the area where winning chances are being determined only when accompanied by his parent or guardian.

(i) A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this Section.

(j) The aggregate retail value of all prizes or merchandise awarded by the licensee in a single raffle shall not exceed the value of \$250,000; the maximum retail value of each prize awarded by a licensee in a single raffle shall not exceed \$250,000.

(5) Manager; bond.

All operation of and conduct of raffles shall be under the supervision of a single raffles manager designated by the licensee. No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle. **(Ord. 88-13, J. 39, p. 309-312, passed 8/26/13)**

(6) Records.

(a) Each organization licensed to conduct raffles and chances shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.

(b) Gross receipts from the operation of raffle programs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same not-for-profit organization pursuant to license therefor issued by the Department of Revenue of the State of Illinois, and placed in a separate account. Each organization shall have separate records of its raffles. The person who accounts for gross receipts, expenses and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the organization.

(c) Each organization licensed to conduct raffles shall report promptly after the conclusion of each raffle to its membership its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required in this Section. **(Ord. 88-13, J. 39, p. 309-312)**

(d) Records required by this Section shall be preserved for 3 years, and organizations shall make available their records relating to operation of raffles for public inspection at reasonable times and places.

(7) License fee. The City Clerk shall charge a non-refundable application fee at the rate set forth in the Annual Fee Resolution for each raffle application. (Ord. 35-03, J. 29, p 134, passed 5/27/03)

(C) Definitions. As used in this Section, the following words and phrases shall have the following meanings:

(1) "City" means the City of Highland Park, County of Lake, State of Illinois.

(2) "City Clerk" means the City Clerk of the City of Highland Park, County of Lake, State of Illinois.

(3) "City Treasurer" means the City Treasurer of the City of Highland Park, County of Lake, State of Illinois.

(4) "Net proceeds" means the gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle.

(5) "Raffle" means a form of lottery, as defined in Section 28-2 (b) of the "Criminal Code of 1961," conducted by an organization licensed under this Section, in which:

(a) The player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance; and

(b) The winning chance is to be determined through a drawing accomplished within the corporate limits of the City of Highland Park or by some other method based on an element of chance by an act or set of acts accomplished within the corporate limits of the City of Highland Park on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

(D) (Ord. 35-82, J. 15, p. 0139, passed 8/23/82), (Subsection (D) deleted Ord. 32-89, J. 18, p., passed 4/10/89)

Sec. 118.037 through 118.045 Reserved.

ARTICLE III: PLACES OF ENTERTAINMENT; DANCING; SKATING

(1919 Code, Secs. 283 to 285; 1919 Code, Sec. 288; 1919 Code, Secs. 289 to 293; 1919 Code, Sec. 294; 1919 Code, Secs. 295 and 296; Ord. 242, J. 4, p. 242, passed 12/23/21; Ord. 442, J. 4, p. 442, passed 12/23/21; Ord. 37-76, J. 12, p. 1574, passed 5/24/76; Ord. 22-77, J. 13, p.

1829, passed 6/20/77; Ord. 35-03, J. 29, p. 134, passed 5/27/03; Repealed and Reserved by Ord 36-07, J. 33, p. 222-234, passed 5/14/07)

ARTICLE IV: CHARITABLE GAMES

Sec. 118.400 Charitable games.

(A) Prohibition. It is unlawful for any person, firm, or corporation to establish, set up, maintain, carry on, operate and/or conduct charitable games within the corporate limits of the City of Highland Park.

(B) Exceptions. The preceding shall not apply, however, to not-for-profit charitable corporations and other charitable institutions which meet the definitions thereof set forth by the United States government; provided, however, that members of the not-for-profit charitable corporations or other charitable institutions are in fact in control of, managing, and operating such charitable games and further provided that any such not-for-profit charitable corporation and/or other charitable institution undertaking to establish, set up, maintain, carry on, operate and/or conduct any given charitable games within the corporate limits of the City of Highland Park shall have first been issued a license for such conduct of charitable games as hereinafter provided.

(1) Procedure on application.

(a) Applications for charitable games licenses required by this Subsection shall be made in writing to the City Clerk on the form provided by the office of said City Clerk.

(b) The form or any such application shall require the following information: Name of not-for-profit charitable corporation or other charitable institution; the business address of the applicant; the state and date of incorporation; the names, addresses, birth dates, and social security numbers of all officers and paid executives of such not-for-profit charitable corporation or other charitable institution; the length of time for which such charitable games license is desired; a statement as to whether any officer or director of the applicant has ever been convicted of a felony, and, if so, the nature of the offense and the punishment or penalty assessed therefor; the cost of playing such charitable games; the time period and the area or areas within the City of Highland Park within which such charitable games shall be conducted; and a sworn statement attesting to the not-for-profit character of the prospective licensee, signed by the presiding officer and attested to by the secretary of the applicant.

(2) Issuance of license.

(a) Prior to the issuance of any charitable games license, the City Clerk shall, in conjunction with the Chief of Police, make, or cause to be made, an investigation in regard to such application in order to determine that the applicant is a proper applicant under the terms of this Section.

(b) Within 28 days of the receipt of any such charitable games license application properly completed and filed as set forth hereinabove, accompanied by the appropriate fees as may be required elsewhere in this Section, the Mayor is authorized hereby to grant any such charitable games license for any period of time not exceeding 6 months.

(3) Denial, revocation, and termination.

(a) Any such charitable games license application may be denied, or any existing license may be revoked by the Mayor if he determines either:

(i) That the application of the applicant or licensee contains any false, fraudulent, or misleading statement;

(ii) That the applicant, licensee, or any officer or director or manager or employee of such applicant or licensee has made any false or fraudulent or misleading statement, or is not of good moral character, or has been convicted of a felony or of perpetrating a fraud upon any person – whether or not such fraud was perpetrated within the corporate limits of the City of Highland Park; or

(iii) That the applicant, licensee, or any officer or director of any applicant or licensee has conducted any activities in the City of Highland Park in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety, or general welfare of the public.

(b) In addition to the above and foregoing, the following are ineligible for any license under this Section:

(i) Any person who has been convicted of a felony within 10 years of the date of the application;

(ii) Any person who has been convicted of a violation of Article 28 of the Illinois "Criminal Code of 1961";

(iii) Any person who has had a bingo or charitable games license revoked by the City or any other municipality or the State of Illinois;

(iv) Any person who is or has been a professional gambler;

(v) Any firm or corporation in which a person defined in Subparagraphs 1, 2, 3, or 4 hereinabove has a proprietary, equitable or credit interest, or in which such person is active or employed;

(vi) Any organization in which a person defined in Subparagraphs 1, 2, 3, or 4 hereinabove is an officer, director, or employee, whether compensated or not; and/or

(vii) Any organization in which a person defined in Subparagraphs 1, 2, 3, or 4 hereinabove is to participate in the management or operation of charitable games.

(c) A charitable games license shall be valid for one time only and shall automatically terminate on the last day of the period of time for which it was issued - as stated on the license form itself unless terminated by prior revocation pursuant to the regulations contained elsewhere in this Section.

(4) Other regulations.

(a) Licenses under this Section shall be issued only to bona fide religious, charitable, labor, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continually within the City of Highland Park for a period of five years immediately before making application for a license and which have had during that entire five year period a bona fide membership engaged in carrying out their objectives.

(b) The entire net proceeds from charitable games must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.

(c) No person except a bona fide member, volunteer, or employee of the sponsoring organization may participate in the management or operation of any game.

(d) No single bet at any game may exceed \$10.

(e) A bank shall be established on the premises to convert currency into chips, scrip, or other form of play money which shall then be used to play at games of chance which the participant chooses. Chips, scrip, or play money must be monogrammed with the logo of the licensed organization or of the supplier. Each participant must be issued a receipt indicating the amount of chips, scrip, or play money purchased.

(f) At the conclusion of the event or when the participant leaves, he may cash in his chips, scrip, or play money in exchange for currency not to exceed \$250 or noncash prizes. Each participant shall sign for any receipt of prizes. The licensee shall provide the City Clerk with a listing of all prizes awarded.

(g) Each licensee shall be permitted to conduct charitable games on not more than 4 days each year.

(h) The provider of the premises may not rent or otherwise provide such premises for the conducting of charitable games more than 4 days per year.

(i) Charitable games may not be played between the hours of midnight and noon.

(j) No person under the age of 18 years may play or participate in the conducting of charitable games. Any person under the age of 18 years may be within the area where charitable games are being played only when accompanied by his parent or guardian.

(k) The promoter of charitable games must have a proprietary interest in the game promoted.

(l) Raffles or other forms of gambling prohibited by law shall not be conducted on the premises where charitable games are being conducted.

(m) The sale of tangible personal property at charitable games is subject to all State and municipal taxes and obligations.

(n) Each licensee may only offer or conduct games in accordance with rules posted by the organization. The organization sponsoring charitable games shall promulgate rules, and make printed copies available to participants, for the following games: (i) roulette; (ii) blackjack; (iii) poker; (iv) pull tabs; (v) craps; (vi) bang; (vii) beat the dealer; (viii) big six; (ix) gin rummy; (x) five card stud poker; (xi) chuck-a-luck; (xii) keno; (xiii) hold-em poker; and (xiv) merchandise wheel. A licensee need not offer or conduct every game permitted by law.

(o) No slot machines or coin-in-slot-operated amusement devices which allow a participant to play games of chance based upon cards or dice shall be permitted to be used at the location and during the time at which the charitable games are being conducted.

(p) No cards, dice, wheels or other equipment may be modified or altered so as to give the licensee a greater advantage in winning, other than as provided under the normal rules of play of a particular game.

(q) No credit shall be extended to any of the participants.

(5) Manager; bond.

(a) All operation and conduct of charitable games shall be under the supervision of a single manager designated by the licensee.

(i) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the charitable games.

(ii) The manager shall give fidelity bond in the sum of an amount determined by the City in favor of the organization conditioned upon his honesty in the performance of his duties.

(iii) Terms of the bond shall provide that notice shall be given in writing to the City Clerk not less than 30 days prior to its cancellation.

(b) The City Clerk may waive this bond requirement by including a waiver provision in the license issued to an organization under this Section, provided that a license containing such waiver provision shall be granted only by unanimous vote of the City Council.

(6) Records.

(a) Each organization licensed to conduct charitable games shall keep records of its gross receipts, expenses, and net proceeds for each occasion on which charitable games are conducted. All deductions from gross receipts for each occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.

(b) Each organization shall have separate records of its charitable games operations. Gross receipts from the operation of charitable games shall be segregated from other revenues of the organization and shall be kept in a separate account. The person who accounts for gross receipts, expenses and net proceeds from the operation of charitable games shall not be the same person who accounts for other revenues of the organization.

(c) Each organization licensed to conduct charitable games shall report to its membership and to the City of Highland Park promptly after the conclusion of each occasion on which such games are conducted its gross receipts, expenses and net proceeds from such charitable games, and the distribution of net proceeds itemized as required in this Section.

(d) Records required by this Section shall be preserved for 3 years, and organizations shall make available their records relating to the operation of charitable games for public inspection at reasonable times and places.

(7) License fee. The City Clerk shall charge a non-refundable application fee at the rate set forth in the Annual Fee Resolution for each application for the conducting of charitable games. (Ord. 35-03, J. 29, p. 134, passed 5/27/03)

(C) Definitions. As used in this Section, the following words and phrases shall have the following meanings:

- (1) "City" means the City of Highland Park, Lake County, Illinois.
- (2) "City Clerk" means the City Clerk of the City.
- (3) "City Treasurer" means the City Treasurer of the City.

(4) "Net proceeds" means the gross receipts from the conduct of charitable games, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating said charitable games.

(5) "Charitable games" means those games set forth in Subparagraph (4)(n) hereof, conducted by an organization licensed under this Section. (Ord. 32-89, J. 18, p. 052-057, passed 4/10/89)

ARTICLE V: SPECIAL EVENTS AND BLOCK PARTIES

Sec. 118.601 Special Event Permit required.

It shall be unlawful for any Person to conduct a Special Event within the corporate limits of the City unless a permit therefor has been issued pursuant to this Article. When issued, such permit shall allow the Sponsoring Organization to conduct a Special Event with use of Special City Services and/or exclusive use of all or a portion of real property owned or controlled by the City, if necessary. (Ord. 66-93, J. 20, p. 213-224, passed 12/13/93)

Sec. 118.605 Special Event Permit Application.

(A) Not less than sixty (60) days nor more than one (1) year prior to the date the Special Event is scheduled to begin, the Event Manager shall make a written application for a Special Event permit to the City Manager's Office on application forms provided by the City. The application shall be accompanied by a non-refundable permit application fee in the amount set forth by resolution adopted from time to time by the City Council and shall include the following information: (Ord. 59-07, J. 33, p. 419-420, passed 7/23/07; Ord. 38-11, J. 37, p. 154-163, passed 5/9/11)

(1) The name, address and telephone number of the proposed Permittee who will be conducting the Special Event. **(Ord. 38-11, J. 37, p. 154-163, passed 5/9/11)**

(2) The name, driver's license number, date of birth, and telephone number of an authorized and responsible agent of the Permittee who shall be designated by the Permittee as the Event Manager; **(Ord. 38-11, J. 37, p. 154-163, passed 5/9/11)**

(3) A description of the Special Event that will be conducted;

(4) The dates, times, and location of the Special Event, including the times necessary for any assembly and/or dismantling of Support Structures;

(5) The estimated number of people who will be in attendance at the Special Event;

(6) Whether food and/or alcoholic beverages will be sold or available during the Special Event;

(7) A statement identifying the Special City Services, if any, the applicant will request that the City provide;

(8) A copy of the tax exemption letter issued for any applicant claiming a tax-exempt non-profit status;

(9) Proposed traffic and pedestrian circulation plan;

(10) Number and location of portable sanitation facilities, when appropriate, and other equipment or services necessary to conduct the Special Event, giving due regard for participant and public health and safety and the requirements of the Americans with Disabilities Act;

(11) The number of persons proposed or required to monitor or facilitate the Special Event, including provisions for spectator or participant control and direction;

(12) Provisions for first aid and emergency medical services, based on risk factors attendant to the Special Event;

(13) Proof of general liability insurance covering all locations at which the Special Event will be held, in an amount not less than \$2,000,000 and naming the City of Highland Park as an additional insured for the Special Event, as well as an agreement (in form approved by the Corporation Counsel) to indemnify and hold harmless the City of Highland Park and its officers, agents, and employees from all losses, damages, injuries, claims, demands and expenses arising out of the operation of the Special Event or the condition, maintenance and use of the public property involved with the Special Event; (Ord. 59-07, J. 33, p. 419-420, passed 7/23/07)

(14) If the proposed Permittee intends to erect signs during the Special Event, a sign plan containing, without limitation, the following information:

(a) A depiction of the location or locations at which each proposed Special Event sign will be erected;

(b) Drawings or photographs of each proposed Special Event sign, which must include the dimensions of each sign and the proposed method of erection, construction, or attachment to a building or structure, as the case may be, of each sign;

(c) If any proposed Special Event signs will be attached to or erected on any private property, written consent of the owner or such property; and

(d) The dates on which the proposed Special Event signs will be erected or constructed and removed. **(Ord. 83-13, J. 39, p. 279-292)**

(15) Such other information as may be reasonably necessary to determine compliance with this Article, including but not limited to:

(a) A statement as to whether in the past the applicant has been granted such a permit from the City; and if not, then a statement as to whether a similar permit has been granted by any other municipality in Illinois within the preceding two year period; if no permit has been granted in Illinois in the two year period preceding the application, then a statement as to permits granted by any other state, municipality, governing body or licensing authority; also, a statement as to whether any such authority has ever revoked or refused to issue or renew such a permit, either to the Event Manager or

to the Sponsoring Organization, and an accurate statement as to the reasons for any such revocation or refusal;

(b) A statement as to whether the Event Manager and/or the Sponsoring Organization seeking such a permit has ever been convicted of a felony and, if so, the nature of the offense and the punishment or penalty assessed therefor; and

(c) A statement naming a surety that will issue its bond in favor of the City, in the amount of \$10,000 and in a form approved by the Corporation Counsel, in order to guarantee clean-up following the Special Event and compliance with all other applicable provisions of this Article: and **(Ord. 38-11, J. 37, p. 154-163, passed 5/9/11)**

(16) A sworn affidavit that all information provided on the application is complete and truthful. (Ord. 65-93, J. 20, p. 205-212, passed 12/13/93)

(B) In the event a Special Event includes activities for which a vendors license and/or liquor license is required, the applications and fees for those licenses shall be filed simultaneously with the application and fees for the Special Event permit. (Ord. 65-93, J. 20, p. 205-212, passed 12/13/93)

Sec. 118.610 Review of Special Event Permit Application.

(A) Upon receipt of an application for a Special Event permit, the Events Coordinator, who shall have overall responsibility for coordinating the review of Special Event permit applications, shall forward copies of the application to the Police Department, the Public Works Department, and any other City department which may be affected by, or have responsibility for an aspect of, the proposed Special Event. Following review by each department of the application, the Events Coordinator shall coordinate the comments and recommendations from the various departments and submit such information and make recommendations to the City Manager. Each City department shall analyze the application in light of: **(Ord. 38-11, J. 37, p. 154-163, passed 5/9/11)**

(1) Vendors license applications accompanying the application for Special Event permit, which applications and licensing regulations must comply in all respects with the regulations contained in Chapter 126 of this Code, unless specified otherwise hereinbelow. No vending shall be allowed unless a license fee has been paid in accord with Section 126.025 of the Highland Park Code. However:

(a) Vendors license application forms and documentation accompanying same need only comply with the requirements found in Section 126.010(A) of the Highland Park Code and must specify and describe the goods which are to be sold;

(b) No Section 126.015 bond and no Section 126.020 investigation shall be required for any vendors whose license applications are filed by an Event Manager in connection with a Special Event permit application;

(c) Each vendor must submit proof of a valid retail sales tax number issued by the State of Illinois, or otherwise provide evidence of compliance with the Illinois Retailer's Occupation Tax Act; and

(d) Food vendors must submit proof of a valid permit issued by the Lake County Department of Health.

(2) Liquor license applications complying with all of the requirements of Chapter 119 of the Highland Park Code. (Ord. 66-93, J.20, p. 213-224, passed 12/13/93)

(B) Upon receipt of the recommendation from the Events Coordinator, the City Manager shall distribute copies of the application and the recommendation of the Events Coordinator to the City Council. (Ord. 66-93, J.20, p. 213-224, passed 12/13/93; **Ord. 38-11, J. 37, p. 154-163, passed 5/9/11**)

(C) The City Manager shall review the recommendation and make his or her approval if, after considering any relevant written recommendations or objections of the appropriate City departments, he or she determines that: (Ord. 38-11, J. 37, p. 154-163, passed 5/9/11) **(Ord 21-13, J. 39, p. 34-35, passed 02/25/11)**

(1) The applicant has complied with all of the requirements of the Highland Park Code and the applicable rules or regulations promulgated thereunder, including but not limited to the following:

(a) That all requirements of the application have been met, the application is complete, and the information provided is true and correct;

(b) That neither the applicant nor the Event Manager have been convicted of a felony.; and

(c) The applicant is not delinquent in the payment to the City of any tax or payment required pursuant to this Code;

(2) The proposed Special Event will not substantially or unnecessarily interfere with traffic in the area;

(3) There are available at the time of the Special Event a sufficient number of peace officers to police and protect lawful participants as well as those looking on;

(4) The concentration of firemen and policemen required at the Special Event will not prevent proper fire and police protection or ambulance service to the general public;

(5) The Special Event is not being conducted for an unlawful purpose;

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

(7) The Special Event will not conflict with any other Special Event which has been previously scheduled;

(8) The Special Event will not need any other additional Special City Services that cannot be reasonably made available; and (Ord. 66-93, J.20, p. 213-224, passed 12/13/93) (Ord 21-13, J. 39, p. 34-35, passed 02/25/13)

(9) Any proposed Special Event signs will not create an undue hazard to pedestrian or vehicular traffic, and will not threaten the health, safety, and general welfare of the public.” (Ord. 83-13, J. 39, p. 279-292, passed 08/12/13)

(D) The City Manager will note his or her approval or disapproval on the Special Event permit application form. The original form will then be sent to the applicant with copies to the Events Coordinator, the City Clerk, and the other departments of the City. (Ord. 38-11, J. 37, p. 154-163, passed 5/9/11)

(1) In the event the application is approved, the applicant shall be informed of the estimated amount of the costs for Special City Services and equipment required by the applicant for the Special Event, which estimate of costs shall be paid in advance by the applicant. Following the Special Event, each department which has provided services for said Special Event shall forward to the Events Coordinator a statement of its costs for such services based upon amounts set forth by resolution or motion adopted from time to time by the City Council. Thereupon, the Events Coordinator shall total all such statements of costs and shall send an invoice to the Special Event Manager for payment to the City of the difference between such total and the estimated amount paid in advance, if any. (Ord. 38-11, J. 37, p. 154-163, passed 5/9/11)

(2) In the event the permit is for a Special Event that will require the closing of a portion or all of a street and/or a municipal parking lot, the Sponsoring Organization shall obtain permission of the City Council for such street closure in advance of the Special Event. (Ord. 66-93, J.20, p. 213-224, passed 12/13/93)

Sec. 118.615 Issuance of Special Event Permit.

(A) In the event the City Manager approves the application and issuance of the Special Event permit, the applicant shall pay in advance all of the estimated costs and other required fees and make all of the required deposits of bonds and insurance.

(1) All bonds required to be deposited must meet the approval of the Corporation Counsel.

(2) With respect to insurance:

(a) No permit shall be issued until the applicant has supplied the Events Coordinator a policy or policies of insurance issued by companies with a general rating of A and a financial size category of Class V or better in AM Best’s Insurance Guide, and otherwise satisfactory to the Corporation Counsel, in the kinds and amounts necessary to comply with this Article and to protect the City from all potential liability arising from the operation of the Special Event. Each insurance policy required hereunder shall include a provision to the effect that it shall not be subject to cancellation, reduction in the amounts of its liabilities, or to other material changes until notice thereof has been received by the Events Coordinator not less than sixty (60) days prior to such cancellation or change. (Ord. 38-11, J. 37, p. 154-163, passed 5/9/11)

(b) Each Permittee shall maintain the insurance required hereunder in full force and effect for the duration of the permit period. Failure of the Permittee to maintain such insurance during such period shall result in automatic revocation of the Special Event permit. For the purposes of this Article, the permit shall be effective during the Special Event and include the time required before the Special Event for construction and removal of all materials and equipment as well as the time following the Special Event during which the public property shall be cleared and restored as provided hereinbelow.

(c) In addition to the requirements stated above, the applicant must agree in writing to indemnify and hold harmless the City of Highland Park and its officials, agents, and employees from all losses, damages, injuries, claims, demands and expenses arising out of the operation of the Special Event and/or the condition, maintenance and use of public property in connection therewith.

(B) Following receipt by the City of all of the required funds and deposits, upon approval of the bond and insurance forms by the Corporation Counsel, the City Manager shall issue the Special Event permit.

(C) No permit issued under this Article may authorize the operation of a Special Event for a period longer than ten (10) days. (Ord. 66-93, J.20, p. 213-224, passed 12/13/93)

(D) All Special Events shall be subject to inspections by authorized City personnel to ensure continual compliance with the terms of this Chapter. **(Ord. 38-11, J. 37, p. 154-163, passed 5/9/11)**

Sec. 118.616 Sale of Alcoholic Liquor.

No alcoholic liquor shall be sold at a Special Event except in strict conformance with the applicable provisions of Chapter 119 of the City Code, including, without limitation, the restrictions set forth in Section 119.550 regarding the size and quantity of alcoholic beverages that may be sold at a Special Event. (Ord. 46-08, J. 34, p. 164-196, passed 10/13/08)

Sec. 118.620 Denial of special event permit.

(A) Upon his disapproval of the application for a Special Event permit, the City Manager shall deny issuance of such permit and forward notification thereof to the applicant.

(B) Any person aggrieved by a decision of the City Manager shall have the right to appeal that decision to the City Council, provided that such appeal is in writing and is filed with the City Clerk within ten (10) days of the applicant's receipt of the notification of denial by the City Manager.

(C) The City Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given in writing to the appellant by mail.

(1) The appellant shall have the right to be represented at such hearing by counsel.

(2) At a hearing conducted under this Subsection all interested persons, including the applicant, community residents and representatives of community groups, shall be given an opportunity to be heard.

(3) The City Council shall also accept any relevant written testimony or documentation regarding the proposed Special Event.

(4) The decision and order of the City Council on such appeal shall be final and conclusive. (Ord. 66-93, J.20, p. 213-224, passed 12/13/93)

Sec. 118.625 Resolution of conflicts.

Preference among conflicting applications for Special Event permits shall be given to the application filed earliest. (Ord. 66-93, J.20, p. 213-224, passed 12/13/93)

Sec. 118.630 Change of location.

The location of the Special Event may be changed upon the provision of the Permittee of notice to the Events Coordinator not less than 30 days prior to the date of the Special Event, and upon the approval of the City Manager. (Ord. 66-93, J.20, p. 213-224, passed 12/13/93; **Ord. 38-11, J. 37, p. 154-163, passed 5/9/11**)

Sec. 118.635 Non-transferability and term of Special Event Permit.

(A) No Special Event permit issued pursuant to this Article 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. 35-08, J. 34, p. 123-130, passed 7/14/08)

(B) No Special Event permit issued under this Article may authorize the operation of a Special Event for a period longer than ten (10) days. (Ord. 66-93, J.20, p. 213-224, passed 12/13/93; Ord. 35-08, J. 34, p. 123-130, passed 7/14/08)

Sec. 118.636 Block Party Permit required.

It shall be unlawful for any Person to conduct a Block Party within the corporate limits of the City prior to the issuance of a Block Party permit pursuant to this Article. (Ord. 35-08, J. 34, p. 123-130, passed 7/14/08)

Sec. 118.637 Block Party application

(A) Not less than 30 days prior to the date on which the Block Party is scheduled to begin, an applicant for a Block Party permit shall file a written application therefor with the Chief of Police, on a form provided by the City, which application shall include, without limitation, the following: (Ord. 35-08, J. 34, p. 123-130, passed 7/14/08)

(1) The name, address and telephone number of the Person responsible for organizing and conducting the proposed Block Party: (Ord. 35-08, J. 34, p. 123-130, passed 7/14/08)

(2) The proposed date, time, and location of the proposed Block Party, and the alternative rain date, if any; (Ord. 35-08, J. 34, p. 123-130, passed 7/14/08)

(3) The estimated number of people who will attend the proposed Block Party: (Ord. 35-08, J. 34, p. 123-130, passed 7/14/08)

(4) A statement signed by at least one owner of at least 21 years of age of each residence located on the block on which the Block Party will take place, by which each such owner: (i) acknowledges receipt of an invitation to the proposed Block Party; (ii) consents to the proposed Block Party; and (iii) holds the City and its officers, agents, servants, employees, attorneys and officials harmless from and against all claims arising out of, in connection with, or in any way related to the proposed Block Party; (Ord. 35-08, J. 34, p. 123-130, passed 7/14/08)

(5) A statement identifying the Special City Services, if any, requested for the proposed Block Party; (Ord. 35-08, J. 34, p. 123-130, passed 7/14/08)

(6) A statement identifying any Support Structure to be erected in connection with the proposed Block Party; and (Ord. 35-08, J. 34, p. 123-130, passed 7/14/08)

(7) Payment of the Block Party permit application fee, in the amount set forth in the Annual Fee Resolution. (Ord. 35-08, J. 34, p. 123-130, passed 7/14/08)

(B) Upon receipt of a complete application for a Block Party, the Chief of Police, or his or her designee, shall promptly review the application for a Block Party permit, and shall consult with the City Clerk and Director of Public Works concerning, without limitation: (1) any requested Special City Services: and (2) any public safety issues regarding any Support Structures proposed to be erected in connection with the Block Party. (Ord. 35-08, J. 34, p. 123-130, passed 7/14/08)

(C) Upon review of the Block Party permit application pursuant to Section 118.637(B) of this Chapter, and a determination that the proposed Block Party will not threaten or endanger the health, safety, and welfare of the City or its residents, the Chief of Police shall issue the Block party permit, subject to such conditions as deemed necessary or appropriate to ensure the preservation and protection of the public health, safety and welfare. (Ord. 35-08, J. 34, p. 123-130, passed 7/14/08)

Sec. 118.640 Maintenance of public property and payment of costs.

(A) During the conduct of the Special Event or Block Party, the Permittee shall keep any public property being occupied clean and free from paper, debris, or refuse, and upon termination of the permit by lapse of time or otherwise, the Permittee shall remove all materials and equipment and clean the street. If any public property has been damaged, the Permittee shall repair and restore it to the condition it was in prior to the Special Event or Block Party. (Ord. 35-08, J. 34, p. 123-130, passed 7/14/08)

(B) Following the Special Event or Block Party, each department which has provided Special City Services shall forward to the Events Coordinator a statement of its costs for such services based upon amounts set forth by resolution or motion adopted from time to time by the City Council. Thereupon the Events Coordinator shall total all such statements of costs and shall send an invoice to the Permittee and/or Special Event Manager for payment to the City of the difference between such total and the estimated amount paid in advance, if any. (Ord. 66-93, J.20, p. 213-224, passed 12/13/93; Ord. 35-08, J. 34, p. 123-130, passed 7/14/08; **Ord. 38-11, J. 37, p. 154-163, passed 5/9/11**)

Sec. 118.645 Emergency vehicle access.

Whenever a Special Event or Block Party permit requires the closure of a street, a clear path of not less than ten (10) feet must be maintained on that street for the passage of emergency vehicles. (Ord. 66-93, J.20, p. 213-224, passed 12/13/93; (Ord. 35-08, J. 34, p. 123-130, passed 7/14/08)

Sec. 118.650 Rules and regulations.

The City Manager shall have the authority to promulgate such additional rules and regulations as he determines are necessary or desirable for the implementation of this Article. The rules and regulations need not be published in a newspaper, but shall be made available for inspection by the public at no charge at the offices of the City Clerk and the

Events Coordinator. (Ord. 66-93, J.20, p. 213-224, passed 12/13/93; **Ord. 38-11, J. 37, p. 154-163, passed 5/9/11**)

Sec. 118.655 Revocation of permits.

(A) The City Manager may at any time revoke a Special Event permit, and the Police Chief may at any time revoke a Block Party permit, if the operation of the Special Event or the Block Party, as the case may be, is in violation of any applicable provisions of the Highland Park Code or any other applicable law, or if, in the judgment of the City Manager or the Police Chief, as the case may be, such revocation is necessary to preserve the health or safety of the public. In addition, the City Manager or the Police Chief, as the case may be, may revoke a permit if he or she finds: (Ord. 35-08, J. 34, p. 123-130, passed 7/14/08)

(1) That the application of the Permittee contains any false, fraudulent or misleading material statement; (**Ord. 38-11, J. 37, p. 154-163, passed 5/9/11**)

(2) That the Permittee has made any false, fraudulent or misleading material statement, or has been convicted of perpetrating a fraud upon any person -- whether or not such fraud was perpetrated in the course of conducting any business in the City; or that the applicant, Permittee, and/or Event Manager has committed a felony; or

(3) That the Permittee has conducted any activities directly related to his business in the City in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public. (Ord. 66-93, J.20, p. 213-224, passed 12/13/93)

(B) Automatic revocation of a Special Event permit shall occur whenever the insurance required under Section 118.615 has lapsed. (Ord. 66-93, J.20, p. 213-224, passed 12/13/93)

(C) Except upon automatic revocation of a Special Event or Block Party permit pursuant to Section 118.655(B) of this Chapter, written notice of the revocation with the reasons therefor shall be mailed to or served upon the Permittee and the Event Manager, if applicable, at the time of revocation. When necessary to prevent an immediate threat to the health or safety of the public, the City Manager or the Police Chief, as the case may be, shall order the Permittee to cease immediately the operation of the Special Event or Block Party. (Ord. 66-93, J.20, p. 213-224, passed 12/13/93; Ord. 35-08, J. 34, p. 123-130, passed 7/14/08)

Sec. 118.665 Definitions.

(A) The language in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

(1) The singular number includes the plural number, and the plural the singular;

(2) The word "shall" is mandatory; the word "may" is permissive; and

(3) In construing this Chapter, feminine or neuter pronouns shall be substituted for those masculine in form, and vice versa. (Ord. 66-93, J.20, p. 213-224, passed 12/13/93; Ord. 35-08, J. 34, p. 123-130, passed 7/14/08)

(B) Whenever the following words and phrases are used in this Article, they shall, for the purposes of this Article, have the meanings respectively ascribed to them in this Subsection, except when the context otherwise indicates. (Ord. 35-08, J. 34, p. 123-130, passed 7/14/08)

(1) "Block Party" means a party for persons residing on a particular block within the City and their guests at which no food, beverages, or merchandise is sold, with or without the use of Special City Services and/or the exclusive use of all or a portion of real property owned or controlled by the City. (Ord. 35-08, J. 34, p. 123-130, passed 7/14/08)

(2) "Events Coordinator" means the individual appointed by the City Manager to coordinate the review and processing of applications received pursuant to this Chapter for Special Events permits. **(Ord. 38-11, J. 37, p. 154-163, passed 5/9/11)**

(3) "Event Manager" means the natural person responsible on behalf of the Sponsoring Organization for managing the Special Event.

(4) "Permittee" means any Person who has been issued a Special Event permit or a Block Party permit under this Article. (Ord. 35-08, J. 34, p. 123-130, passed 7/14/08)

(5) "Person" means any individual, partnership, association, organization, or corporation.

(6) "Special City Services" means services provided by the City during a Special Event or a Block Party, which services may include but are not limited to any of the following: street closures; provision of barricades, garbage cans, stages, or special no parking signs; special electrical services; or special police protection.

(7) "Special Event" means a planned temporary aggregation of attractions, including but not limited to public entertainment, food and beverage service facilities, sales of souvenirs or other merchandise, or similar attractions, that is:

(a) Conducted on any public property under the ownership or control of the City; or

(b) Conducted primarily outdoors on property open to the public other than upon public property under the ownership and control of the City and which:

(i) Includes activities that require the issuance of a City vendors license and/or liquor license; or

(ii) Requires Special City Services.

"Special Event" does not include a parade or athletic event, a Block Party, or a festival conducted pursuant to an intergovernmental agreement authorized by ordinance. (Ord. 35-08, J. 34, p. 123-130, passed 7/14/08)

(8) "Sponsoring Organization" means any partnership, association, organization or corporation, including the City, which is the Permittee conducting, or the proposed Permittee desiring to conduct, a Special Event.

(9) "Support Structures" means any temporary structure erected in connection with a Special Event or Block Party, including but not limited to stages, scaffolding, bleachers, tents, stands and/or booths. (Ord. 66-93, J.20, p. 213-224, passed 12/13/93; Ord. 35-08, J. 34, p. 123-130, passed 7/14/08)

Sec. 118.660 Reserved

(Ord. 66-93, J.20, p. 213-224, passed 12/13/93; Repealed in its entirety and reserved by Ord. 35-08, J. 34, p. 123-130, passed 7/14/08)

ARTICLE VI: PENALTY

Sec. 118.999 Penalty.

(A) (1) Whoever violates any of the provisions of Sections 118.001 through 118.011, or Section 118.020, upon conviction, shall be fined as set forth in Section 118.017.

(2) Whoever violates any of the provisions of Section 118.036, upon conviction, shall be fined not less than \$50 nor more than \$500 for each offense.

(B) Whoever violates any of the provisions of Sections 118.050 through 118.080, upon conviction, shall be fined not less than \$10 nor more than \$200 for each offense.

(C) Whoever violates any of the provisions of Sections 118.200 through 118.225, and Section 118.400 for which another penalty is not stated therein, upon conviction, shall be fined not more than \$50 for each offense. (Ord. 35-82, J. 15, p. 0139, passed 8/23/82; Ord. 32-89, J. 18, p. 052-057, passed 4/10/89)

(D) Any person who violates any of the provisions of Sections 118.601 through Section 118.645, upon conviction, shall be fined not less than \$50 nor more than \$750 for each offense. (Ord. 35-08, J. 34, p. 123-130, passed 7/14/08)

(E) Each day on or during which any Person violates any of the provisions of this Chapter shall constitute a separate and distinct offense. (Ord. 35-08, J. 34, p. 123-130, passed 7/14/08)