

ARTICLE III. REQUIREMENTS AND RESTRICTIONS

10-8-330 Parade, public assembly or athletic event.

(a) The following terms are defined for the purposes of this chapter, as follows:

(1) "Parade" means any march, procession or other similar activity consisting of persons, animals, vehicles or things, or combination thereof, upon any public street, sidewalk, alley or other public place, which requires a street closing or otherwise requires police officers to stop or reroute vehicular traffic because the marchers will not comply with normal and usual traffic regulations or controls. "Large parade" means any parade that is held in the "central business district", as defined in Section 9-4-010, and any parade that is anticipated to require city services exceeding \$20,000.00 in value, to be adjusted for inflation in a manner specified by regulation.

(2) "Public assembly" means (i) a company of persons which is reasonably anticipated to obstruct the normal flow of traffic upon the public way and that is collected together in one place, or (ii) any organized march or procession of persons upon any public sidewalk that is reasonably anticipated to obstruct the normal flow of pedestrian traffic on the public way, but which does not meet the definition of parade set forth in this subsection.

(3) "Athletic event" means any event involving the conduct of exercises, sports or games which is reasonably anticipated to obstruct the normal flow of traffic upon the public way.

(4) "Business days" means those days in which municipal offices are open for conducting city business and does not include Saturday, Sunday or such holidays as are listed in Section 2-152-090.

(b) No parade or athletic event is permitted on any portion of the public way of the City of Chicago unless a permit allowing such activity has been obtained from the department of transportation.

(c) A person, partnership, voluntary association or other organization seeking to obtain a parade permit shall file an application with the commissioner of transportation in the same calendar year as, and not less than 15 business days before, the date for which the parade is proposed, unless the requested permit is for a parade to be held in January, in which case the application must be filed not less than 15 business days before, and not more than one year before, the date for which the parade is proposed. The commissioner of transportation shall, however, consider an application for a parade which is filed less than 15 business days before the proposed event, where the purpose of such event is a spontaneous response to a current event, or where other good and compelling causes are shown.

(d) A person, partnership, voluntary association or other organization seeking to obtain an athletic event permit shall file an application with the commissioner of transportation in the same calendar year as, and not less than 45 days before, the date for which the athletic event is requested, unless the requested permit is for an event to be held in January or February, in which case the application must be filed 45 days before the date for which the athletic event is requested.

(e) No person or organization may submit more than one application for the same parade date and route, or for a parade substantially similar in theme or units described but requesting an alternate date or route, whether using the same name, different names, or different affiliations that the person or organization may control or be a member of. No person or organization may submit an application on behalf of another person or entity that is also filing such an application. Where a person or organization submits multiple applications for the same parade date and route, or for a parade substantially similar in theme or units described but requesting an alternate date or route, whether by using one name or multiple names, that person or organization shall not be eligible for such a permit and shall be in violation of this ordinance. The commissioner of transportation is authorized to disregard any such multiple applications and to deny any permit on the basis of a violation of this subsection. Any applicant who disagrees with the commissioner's actions hereunder may appeal, in the manner set forth in subsection (m).

(f) The application for a parade or athletic event permit shall contain the following information, which must be updated by the applicant as circumstances change:

(1) The name, address, and day-time telephone number of the person signing the application, and the organization with which that person is affiliated or on whose behalf the person is applying, if applicable;

(2) Where an organization is involved in requesting a permit, which includes voluntary associations entered into for the purpose of organizing a parade or athletic event, the name, address, day-time telephone number, pager number, if applicable, and fax number, if available, of the authorized and responsible leaders of the organization conducting the parade or athletic event; and where the applicant at a later date becomes affiliated with an organization for purposes of producing a parade or athletic event, this information shall be submitted at such time;

(3) The name, address, day-time telephone number, pager number, if applicable, and fax number, if available, of one individual who shall be designated as the responsible planner and on-site manager for the event, which person shall be referred to for purposes of this section as the parade organizer, where applicable, or the event organizer; and where the parade organizer or event organizer is not designated until a later date, this information shall be submitted at such time;

(4) The date of the proposed parade or athletic event and the hours that it will commence and terminate;

(5) The location and exact street address of the assembly and disbanding area and the time when the parade or athletic event will begin to assemble and disband;

(6) The approximate number of persons and vehicles, floats or other units to participate in the parade or athletic event and the basis on which this estimate is made;

(7) The route along which the parade or athletic event will proceed and the sidewalks or lanes of traffic it will occupy; and

(8) A list identifying the type and number of all animals that applicant intends to have at the parade or athletic event.

The application for a parade or athletic event permit shall be accompanied by a nonrefundable processing fee of \$35.00.

(g) The commissioner of transportation shall investigate the facts set out in the application, in consultation with the mayor's office of special events and the police department, which shall be sent copies of the application immediately upon receipt. Where the commissioner determines that additional information on the factors set forth in subsection (h)(1)--(3) is required, copies of the application and a request for such information also shall be sent to any of the persons and entities listed below. Where the commissioner determines that any of such persons or entities may need to make advance preparations for the permitted event, or may have information useful to planning for city services supporting the event, a copy of the granted permit or an alternative form of notice, shall be sent to any of the following listed persons or entities:

(1) the department of streets and sanitation;

(2) the fire department;

(3) the department of law;

(4) the Chicago Transit Authority;

(5) the Chicago Park District;

(6) the police department's local district commander for the district in which the parade or athletic event is to be held; and

(7) the director of the commission on animal care and control.

The commissioner shall send a copy of each permit application to the alderman of the ward or wards in which the parade or athletic event is to be held, with a request for any information on the factors set forth in subsection (h)(1)--(3), and also shall send a copy of the grant or denial of such permit. Every February 1st and August 1st the commissioner shall send to the special events and the transportation committees of the city council of the City of Chicago a list of all parade and athletic event permits granted which have not previously been reported.

(h) After such investigation, the commissioner of transportation shall issue a permit when he or she finds that:

(1) the proposed activity will not substantially or unnecessarily interfere with traffic in the area contiguous to the activity, or that, if the activity will substantially interfere with such traffic, that there are available at the time of the proposed activity sufficient city resources to mitigate the disruption;

(2) there are available at the time of the parade or athletic event a sufficient number of peace officers and traffic control aides to police and protect lawful participants in the activity and non-participants from traffic related hazards in light of the other demands for police protection at the time of the proposed event or activity;

(3) the concentration of persons, animals, vehicles or things at the assembly and disbanding areas and along the parade or athletic event route will not prevent proper fire and police protection or ambulance service;

(4) the event will not be conducted for any purpose or in any manner made unlawful elsewhere in this code or by state or federal law;

(5) an applicant for an athletic event permit has complied with subsection (n) herein;

(6) if the application is for an athletic event for which fees will be charged for participation in the event, the proposed athletic event will be in the best interest of the city in light of (i) the apparent ability of the applicant to comply with the requirements of this section, and (ii) the willingness and financial ability of the applicant to conduct the event in a manner appropriate to the type of the event, and to pay any prizes that the applicant has advertised or is likely to advertise. In making a determination under this paragraph (6), the commissioner may consider the experience of the applicant in conducting the same or similar events, and may require additional information from the applicant with respect to the proposed event and the applicant's financial situation;

(7) the proposed activity will not interfere with the use of requested area by another party to whom a valid permit has been issued for the same area or route, or does not conflict with another application, or with a traditional parade, as defined in subsection (i); and

(8) the application contains sufficient information about the proposed route and crowd.

(i) Except as otherwise provided in this subsection, all applications for any parade or athletic event permit shall be processed on a first-in-time basis.

With respect to parade permits, during the first two business days of each calendar year, the commissioner of transportation shall accept all applications for a parade permit filed hereunder without giving priority to applications filed first in time. For purposes of calculating the decision times set forth in this section, all applications filed within the first two business days of the calendar year shall be deemed as filed on the third business day of the year.

Where a parade has been conducted on or about a certain date, on a substantially similar route, and in connection with a specific holiday or consistent theme, for at least the prior five years, it shall be referred to herein as a traditional parade, and it shall be given a preference to continue on that date and route for the purpose of protecting the expectations and enjoyment of the public. Every December, the commissioner shall contact the prior year's organizer for each traditional parade to ascertain whether the parade shall continue, and he or she shall publish a list of traditional parades that shall be given preference in the permit assignment process. Where the prior organizer of a traditional parade has been consistent and is ascertainable, that person or organization shall be given the preference. Where two or more applications are filed purporting to represent the prior organizer of a traditional parade, or where there have been different organizers over the past five years, or where there is any type of dispute regarding which person or organization should receive the traditional parade preference, the commissioner may request those involved to submit documentation to resolve such conflict. Where the commissioner finds no clear resolution of the conflict, he or she shall conduct a lottery to select the permittee, and shall notify each applicant in writing of the existence of the conflict and of the date, time and place of the lottery. Any applicant who disagrees with the commissioner's actions here under may appeal, in the same manner as set forth in subsection (m).

Where there is a conflict between two or more applications filed during the first two business days and not involving a traditional parade, or between any such application and a traditional parade, the commissioner shall evaluate whether the conflict could be resolved by assigning the applicants consecutive times on the same day and route, giving consideration to criteria set forth in the regulations. Where the commissioner finds that consecutive times are appropriate, he or she shall notify each applicant that the permit shall be granted for the specified alternative time. For those applicants who are not assigned their requested time period, such notice shall be treated as a denial and offer of alternative, under subsection (1), for purposes of the five-day time period in which to file an acceptance or appeal. Where consecutive times are not deemed appropriate, then the traditional parade shall receive the permit, as set forth above. With respect to any remaining conflicts among permit applications, the commissioner shall notify the applicants that the conflict shall be resolved by lottery, and of the date, time and place of the lottery. Within seven days after the lottery, the applicants not chosen may submit alternative preferences to the commissioner. Any requests for alternative preferences submitted by applicants under this subsection shall be treated as a new application, for purposes of all time limitations under this section, and any conflicts arising among the alternative preferences shall be resolved in accordance with the procedures set forth herein. Except as described in this subsection for traditional parades, applications for a parade permit received during the first two business days of the calendar year shall be given priority over applications received thereafter.

(j) The commissioner of transportation shall take action upon the application for a parade permit, and provide notice thereof, within five business days after the filing thereof or, if any lottery is held pursuant to paragraph (h) of this section, within five business days of the lottery, except that where the purpose of such event is a spontaneous response to a current event, or where other good and compelling cause is shown, the commissioner shall act within two business days. Notice shall be by facsimile transmission or telephonically and by mail directed to the applicant, stating the facts and conclusions which are the basis for any denial of the permit and, if the action taken is setting a lottery date or offering a consecutive time, then describing the conflict among application requests. If the commissioner denies an application for failure to provide sufficient information about the proposed route or crowd estimate, he shall specify what additional information must be provided in a new or amended application.

In the event that the commissioner of transportation fails to act within five business days after the date upon which the application was filed, said application for a permit shall be deemed approved and the permit deemed granted in conformance with the application.

(k) The commissioner of transportation shall inform such applicant for an athletic event permit whether the application is approved or disapproved within 30 days after the filing thereof. If the commissioner approves the application, he or she shall inform the applicant within such time of the compensation, insurance or bond, if any, required pursuant to subsection (n). If the commissioner disapproves the application, the commissioner shall provide written notice of his or her action within such time, stating the specific facts and conclusions which are the basis for his or her denial of the permit. If the commissioner fails to act within 30 days after the date upon which the application was filed, said application for an athletic event permit shall be deemed approved and the permit deemed granted in conformance with the application.

(l) When the commissioner denies an application for a parade or athletic event permit he or she shall authorize the conduct of a parade or athletic event on a date, at a time, at a location, or over a route different from that named by the applicant. This alternate permit shall to the extent practicable authorize an event that will have comparable public visibility and a similar route, location and date to that of the proposed event. An applicant desiring to accept an alternate parade or athletic event permit shall, within five business days after notice of the action by the commissioner, file a written notice of acceptance with the commissioner. Where the denial and alternate are based on a conflict between applications for a parade permit, however, the procedures set forth in subsection (i) shall apply.

The commissioner is empowered to limit the parade or athletic event to the sidewalk or to one or more traffic lanes of the street where it is determined that such limited area is capable of accommodating the number of people anticipated based upon the information submitted by the applicant and the experience of previous comparable events, and such limitation shall not be considered a denial.

(m) Any applicant who believes that his or her application for a parade permit is wrongfully disapproved may appeal to the mayor the propriety of said action by notifying the department of administrative hearings of the intent to appeal. If no appeal is filed within five business days of the date notice of the commissioner's decision is given, that decision shall be deemed final. Upon the filing of such appeal, the department of administrative hearings shall cause a hearing to be held within three business days and based upon the evidence contained in the record of such hearing, either affirm or reverse the decision of the commissioner of transportation. Any final decision of the commissioner of transportation or the department of administrative hearings shall be subject to judicial review in accordance with applicable law. In the event that the department of administrative hearings fails to act within two business days of the conclusion of a hearing held under this section, said application for a permit shall be deemed approved and the permit deemed granted in conformance with the application.

(n) Upon the filing of an application to conduct an athletic event, the commissioner of transportation shall investigate the facts set forth in the application and determine:

(1) The amount, if any, to be tendered to the City of Chicago by the applicant to compensate the city for the provision of any city services deemed necessary by the commissioner for the safe and orderly conduct of the athletic event; and

(2) The amount, if any, of any bond or insurance, naming the City of Chicago as the insured, that the commissioner determines is necessary to insure the city against any liability arising from the athletic event.

No athletic event permit shall be issued until such fees are paid or bonds furnished. The commissioner shall adopt rules and regulations to govern the determination of whether any fees or bonds are required and the amount of any such fees or bonds.

(o) For large parades, the commissioner shall require, as a condition of the permit, that the parade organizer (1) obtain a \$1,000,000.00 commercial general liability insurance policy, naming the City of Chicago as an additional insured; (2) indemnify the city against any additional or uncovered third party claims against the city arising out of the parade; and (3) agree to reimburse the city for any damage to the public way or to city property.

(p) At least one week prior to the scheduled parade, the parade coordinator shall submit to the mayor's office of special events a line of march, which shall list all parade units in numerical order, with a description and an estimate of the size or length of each unit. For any new parade, and for any parade for which in the prior year the estimate of the number or size of units was substantially inaccurate, the parade coordinator also shall be required to submit documentation demonstrating the planned participation of the stated units. At least one week prior to the scheduled parade, the parade organizer also is required to have furnished to the commissioner documents demonstrating compliance with the insurance requirement set out in subsection (o). Where any animals will participate or be involved in the event, the parade coordinator must provide: a health certificate for each animal to be used; the name of the attending local veterinarian who shall provide care for any sick or injured animals; a copy of the handler's Federal Exhibitor's license for any animal identified in the Illinois Dangerous Animal Act; and access to an animal ambulance.

(q) The parade shall last no longer than two hours and 15 minutes, except that where a traditional parade consistently has lasted longer, and the commissioner determines that there is no traffic safety or undue congestion problem in continuing to allow the longer time period, the permit may provide for additional hours. The parade permit time may be reduced by the mayor's office of special events after receipt of the parade lineup, where the number and size of the planned units are not sufficient to fill the permit time while proceeding at a reasonable pace, or may be reduced by the police department on location, for the same reason, where the

actual size and number of units at the lineup are insufficient to require a two hour and 15 minutes street closing. The parade units shall proceed at a uniform pace, with no gaps in the lineup, and no stopping allowed. Once the last unit has started on the parade route, the department of streets and sanitation will begin cleaning the street, and the police department will r eopen the street to traffic as street cleaning is completed. Once the last unit has completed the parade route, all parade participants must disperse from the street so that it may be safely cleaned and reopened to traffic.

Where the parade permit was limited to the sidewalk or one lane of traffic based on the estimated number of units participating, and in the event that the number of persons in attendance exceeds anticipated levels, members of the police department are authorized to make reasonable accommodation to increase the portion of the public way made available in order to preserve public health and safety. Alternatively, where the number or size of parade units participating are substantially less than expected, members of the police department are authorized to limit the available portion of the public way, where one lane of traffic or the sidewalk is capable of accommodating the number of people and units present.

In addition, at a parade, in order to protect the health and safety of the public, employees of the commission on animal care and control are authorized to inspect animals prior to their use in activities upon the public way and to prohibit the use of animals found to be diseased, unhealthy or which pose a danger to public health and safety.

(r) Any person or organization planning to lead or initiate any type of public assembly, including a march or procession upon a public sidewalk, as defined in subsection (a), shall notify the commissioner of transportation, at least five business days in advance, or as soon as practicable if the event is of a spontaneous or urgent nature, and shall inform him or her of the date, time, location, route and estimated number of persons participating, so that the city can make any preparations necessary to provide p ersonnel or other city services to minimize the obstruction to pedestrian and other traffic and to otherwise protect the participants and the public. Such public assemblies shall be allowed unless the commissioner informs the person or organization giving the notice, within two days or as soon as practicable before the scheduled event, that there would be a direct interference with a previously planned permitted activity or public assembly, or that there is a significant public safety issue, limited to thos e set forth for parades in subsection (h)(1)--(3). If the commissioner does this, he or she must state the reasons in writing and give an alternative date, time, location or route, as provided for parades in subsections (j) and (l) herein. If the public assembly organizer desires to appeal such decision, then the appeal shall be governed by the procedures set forth for parade permits in subsection (m) herein, if the notification was received in sufficient time that the appeals process could be completed bef ore the planned date; if not, the decision by the commissioner shall be deemed a final decision subject to judicial review in accordance with applicable law. Upon request, the commissioner will provide the organizer of the public assembly with a stamped copy of the notice given under this subsection.

(s) The commissioner of transportation, in consultation with other city departments and agencies, including the mayor's office of special events, shall promulgate rules and regulations to implement this section.

(t) Any person who knowingly interferes with any other person or organization lawfully conducting a parade, public assembly or athletic event or any person violating any of the provisions of this ordinance, or any of the provisions of the regulations promulgated hereunder, shall be subject to incarceration for up to ten days and fined not less than \$50.00 nor more than \$1,000.00. In addition to the penalties specified above and those set forth elsewhere in this section, the following violations are subject to a dditional penalties. Any person who makes a fraudulent misrepresentation on a permit application for a parade or athletic event shall be prosecuted to the full extent of the law, including criminal sanctions. Any person who sells or assigns a permit granted under this ordinance shall be barred from applying for another permit for a period of three years. Where the conduct of any parade or athletic event causes or results in a threat to public safety, the permit holder, including any affiliated organization identified on the permit application, and the parade or other event organizer, shall be barred from receiving another permit under this section for a period of one year, except that if the public safety problem was caused by crowd reactions to a parade's message, then there shall be no penalty, but additional safety conditions shall be imposed on any similar event.

(Prior code § 36-31; Amend Coun. J. 7-29-87, p. 2888; Amend Coun. J. 12-20-89, p. 10127; Amend Coun. J. 12-11-91, p. 10832; Amend Coun. J. 11-30-94, p. 62771; Amend Coun. J. 12-21-94, p. 64115; Amend Coun. J. 11-18-98, p. 84402, § 1; Amend Coun. J. 12-12-01, p. 76493, § 1; Amend Coun. J. 7-27-05, p. 53211, § 1)

10-8-335 Outdoor special events.

(a) As used in this section unless the context requires otherwise:

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

(A) Includes activities that require the issuance of a city temporary food establishment license or a special event liquor license; or

(B) Requires special city services, including but not limited to any of the following: street closures; provisions of barricades, garbage cans, stages or special no parking signs; special electrical services; or special police protection.

"Special event" does not include a parade or athletic event for which a permit is required under section 10-8-330, a neighborhood block party at which no food, beverages or merchandise is sold, or a citywide festival conducted pursuant to an intergovernmental agreement authorized by ordinance.

(2) "Department" means the mayor's office of special events.

(3) "Sponsor of the event" means the entity who is conducting the special event or in whose name or for whose support the proposed special event will be presented.

(b) No person shall conduct a special event unless the sponsor of the event obtains a special event permit from the mayor's office of special events.

(c) An application for a special event permit must be made to the department no later than 45 days prior to the date the event is scheduled to begin unless the department determines that the reasons for the delay were beyond the reasonable control of the applicant. Unless the special event is to be conducted in January or February, applications must be filed in the calendar year in which the event is to take place. If the event is to take place in January or February, the application must be filed no earlier than one year prior to the event. There shall be no fee for the first application submitted by a sponsor during a calendar year; however, each subsequent application submitted by the sponsor of the event during that calendar year shall be accompanied by a nonrefundable processing fee of \$35.00. The application shall include the following information:

(1) the name and address of the sponsor of the event, and the name, address and telephone number of an authorized and responsible agent of the organization;

(2) a description of the special event that will be conducted;

(3) the dates, times and location of the special event, including any requests for street closures, and a site plan;

(4) the estimated attendance for the special event;

(5) whether food, alcoholic beverages or merchandise will be sold at the event;

(6) whether music will be played at the event and if so, whether such music will be electronically amplified. If electronically amplified music will be played, the applicant shall also submit an appropriate plan for the control of sound at the event;

(7) plans for event security, including the number, hours and location of deployment of personnel and equipment that will be provided by the applicant and what special city services, if any, the special event will require;

(8) the proof of insurance and agreement to indemnify and hold harmless required by subsections (n) and (o), respectively;

(9) the number of all food vendors; alcoholic beverage vendors; and/or itinerant merchants who will be participating in the special event;

(10) such other information that may be reasonably necessary to determine compliance with this Code.

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

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

(1) the department of revenue;

(2) the department of police;

- (3) the fire department;
- (4) the department of streets and sanitation;
- (5) the department of transportation;
- (6) the department of law;
- (7) the department of environment;
- (8) the office of emergency management and communications.

If any of the above-listed departments have any information that the proposed special event does not meet the standards set forth in subsection (f), written objections must be sent to the department within 20 days or the department will presume there are no departmental objections.

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

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

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

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

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

Any committee report recommending disapproval of a permit application must state the specific reasons for the recommendation, which reasons shall be consistent with an applicant's constitutional rights contained in the First, Fifth and Fourteenth Amendments to the United States Constitution, and Sections 2 and 4 of Article I of the Illinois Constitution of 1970.

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

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

- (2) The sponsor of the event has not been found guilty of four or more violations at the same event during that year or the previous year and has not been found guilty of six or more violations within a 180 day period;
- (3) The proposed special event will not substantially or unnecessarily interfere with traffic in the area;
- (4) There are available at the time of the special event a sufficient number of peace officers to police and protect lawful participants in the event;
- (5) The concentration of persons or things at the event will not prevent proper fire and police protection or ambulance service;
- (6) The event is not being conducted for an unlawful purpose;
- (7) The event will not subject the surrounding neighborhood to an unreasonable degree of noise, littering or parking difficulties in light of the character of the neighborhood;
- (8) The event will not conflict with a parade, carnival, or other event which has been previously scheduled; and
- (9) The special event will not require city services that cannot be reasonably made available.
- (g) The department shall inform an applicant for a special event permit whether the application is approved or disapproved within 35 business days after the application and any amendments are received by the department. If the department approves the application, it shall either (1) issue a conditional special event permit pursuant to subsection (i) until all necessary licenses are issued, required plans approved, fees paid, and costs prepaid or bonds posted; or (2) if all necessary licenses have been issued, required plans approved, fees paid, and costs prepaid or bonds posted, issue a special events permit. If the department disapproves the application, it shall provide written notice of its action within such time, stating the specific facts and conclusions that are the basis for his denial of the permit. If the department fails to act within 35 business days after the date upon which the application and any amendments were received by the department, the application shall be approved and the permit deemed granted in conformance with the application.

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

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

(i) No later than 20 days prior to the date the event is scheduled to begin, the sponsor of the event shall submit all applications for any necessary licenses, including alcoholic beverage, food and/or itinerant merchant licenses, to the department. The department shall forward the license applications to all appropriate departments. The departments shall review such license applications and either issue such licenses, or issue a written denial stating the reasons therefor, within ten days of receipt of the license application. If the department previously has issued a conditional permit, then within five days after the appropriate licenses have been issued and are received by the department, and all required plans approved, fees paid, and costs prepaid or bonds posted, or sooner if the event will occur sooner and doing so is reasonably practicable, the department shall issue the special event permit. If no conditional permit has been issued, then the procedure set forth in subsection (g) shall apply.

(j) No permit issued under this section may authorize the operation of a special event for a period longer than ten days.

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

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

(m) The department may at any time revoke a special event permit if the operation of the event is in violation of this Code or any other applicable law, or if such revocation is necessary to preserve the health or safety of the public. Written notice of the revocation with the reasons therefor shall be mailed to or served upon the sponsor of the event at the time of revocation. Unless the permit will expire by its own terms before a hearing can be reasonably scheduled, no such revocation will take effect until the sponsor of the event has

been given notice and an opportunity to be heard in accordance with rules and regulations issued by the department. When necessary to prevent an immediate threat to the health or safety of the public, the department shall order the sponsor of the event to cease operation of the special event pending the outcome of the hearing. For any violation of the special event permit or the rules and regulations promulgated under this section which endangers the health or safety of the public, no new special event permits shall be issued to the sponsor of the event for the remainder of the year of that event and for the following calendar year.

(n) No permit shall be issued until the applicant has supplied to the department a certificate of insurance evidencing general commercial liability insurance, with limits of not less than \$1,000,000, naming the city as an additional insured.

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

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

(o) In addition to the requirements stated above, the applicant must agree in writing to indemnify and hold the City of Chicago and its assignees and employees harmless from all losses, damages, injuries, claims, demands and expenses arising out of the operation of the special event or the condition, maintenance and use of public property.

(p) During the conduct of the special event, the sponsor of the event shall keep the public way clean and free from paper, debris, or refuse, and upon termination of the permit by lapse of time or otherwise, the sponsor of the event shall remove all materials and equipment and clean the street. If the public way has been damaged, the sponsor of the event shall repair and restore it to the condition it was in prior to the special event.

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

(r) The sponsor of the event shall be responsible for ensuring that each vendor participating in the event obtains the proper licenses. In the event that an unlicensed or improperly licensed vendor is found at the event, the sponsor of the event shall be fined pursuant to subsection (k) for each unlicensed or improperly licensed vendor. This shall be in addition to any fines and/or penalties which may be issued to the individual vendor.

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

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

(u) The executive director, after consultation with other appropriate departments, shall have the authority to promulgate such rules and regulations that he determines are necessary or desirable for the implementation of this section. The rules and regulations need not be published in a newspaper, but shall be made available for inspection by the public at no charge.

(Added Coun. J. 6-17-92, p. 18286; Amend Coun. J. 7-30-97, p. 50122; Amend Coun. J. 2-11-04, p. 18380, § 1; Amend Coun. J. 12-15-04, p. 39840, § 1)

10-8-340 Donation of promotional decorative lightpole banners and decorations.

a. The commissioner of streets and sanitation may accept donations of decorative banners or other decorations designed to be placed on lightpoles. Such donations may be permanent or for a limited amount of time. The city may use its lightpoles to display donated banners, or any other city-owned or controlled banners, that the commissioner determines will promote or celebrate the city, its civic institutions, or public activities or events in the City of Chicago and that he or she finds otherwise will promote the corporate interests and welfare of the City of Chicago.

b. The commissioner of streets and sanitation may delegate the authority to hang and remove decorative banners or other decorations. Such authority may be delegated by issuance of a permit to a permit applicant and shall be limited to a period of 60 days, except that

for the central business district, approval shall be limited to a period of 30 days. Upon application, permits may be renewed for additional such periods in the discretion of the commissioner. No permit shall be renewed where another entity has requested that its donated banner or other decoration be hung at such location or during such time period or where an event referred to in the donated banner is over; except that the commissioner shall have the discretion to determine that in certain commercial areas, the corporate interests and welfare of the City of Chicago are best served by neighborhood identifier banners or other banners that promote the City of Chicago or certain streets or districts of interest, and renewal of permits for such banners may be given precedence over other requests.

The commissioner shall give notice, by facsimile to the ward office, of all permit applications to the alderman in the ward in which permission to have the banner or other decoration displayed has been requested. The alderman shall have ten business days to give the commissioner, in writing, any specific objections to the locations, dates, and number of the proposed displays, and if the proposed location is in a residential neighborhood, his or her opinion on whether banners or other decorations are suitable in that area.

For purposes of this section, "central business district" shall mean that portion of the city bounded on the west by the east and west side of Halsted Street, on the north by the north and south sides of Division Street, on the east by Lake Michigan, and on the south by the north and south sides of Roosevelt Road.

Any person or entity who hangs a banner or other decoration on a city lightpole without first obtaining approval from the commissioner, or who violates any condition of the commissioner's approval, shall be fined \$100.00 per pole, per day.

No donated banner or other decoration may be hung unless the donor hires a professional company to hang and remove the banners or other decoration. Banners, brackets and hardware must be taken down within 48 hours after the expiration of the permit approving the hanging of the donated banner or other decoration, or within less time upon notice from the commissioner. Any banner company which fails to remove a donated banner or other decoration within such time period shall be fined \$100.00 per pole, per day, and shall be liable to the city for the cost of removing such banner or other decoration. In addition, any banner company shall be liable to the city for the cost of repair of any damage to city lightpoles caused by the hanging, presence or removal of any banner or other decoration placed by such company.

c. No professional banner company may hang any banner or other decoration on any city lightpole until it has furnished the commissioner with an original certificate of insurance, which must evidence that the company has procured commercial liability insurance or the equivalent thereof with limits of not less than \$1,000,000.00 per occurrence, combined single limit for bodily injury, personal injury, and property damage, which shall cover any damage caused by the hanging, maintenance or removal of the banners or other decoration on city lightpoles. The City of Chicago shall be named as an additional insured, without recourse or right of contribution. Upon receipt of the certificate of insurance, the commissioner will transmit copies to the department of transportation, bureau of inspections and to the department of finance risk manager.

d. The donor shall indemnify and hold the city, its officers, agents and employees, harmless from any and all claims arising out of the placement of, maintenance of, use of or removal of banners or other decoration, including any claims relating to banners (or structures upon which they are hung) falling on people or property.

e. The commissioner of streets and sanitation shall promulgate rules and regulations governing the display of banners or other decoration to protect public safety and welfare, including ensuring against fire hazards, traffic problems, and visual blight. Such rules shall include, but are not limited to specifications as to the number, size, materials, printing processes, supporting structures, and hanging and removal. The commissioner shall have the authority, however, to waive specific rules when (1) the banner or other decoration substantially complies with the rules; (2) prior to the enactment of this ordinance, the donor previously had displayed such banner on city lightpoles, pursuant to the commissioner's permission; and (3) the commissioner determines that the waiver will not have any adverse effect on public safety and welfare. The commissioner also shall have the authority to determine that the display of decorative banners is unsuitable in certain residential areas.

(Amend Coun. J. 7-31-96, p. 26982; Amend Coun. J. 5-17-00, p. 32989, § 1)

10-8-350 Performance in public ways.

No person shall engage in any game, sport, amusement, performance or exhibition, or exhibit any machine or show or any animal, or indulge in any acrobatic or gymnastic feats, on any public way in the city, except as provided in Sections 10-8-330 and 10-8-340 and Chapter 4-268.

Nor shall any person give or cause to be given any performance, show or exhibition of any kind or nature whatsoever in any show window or in or on any premises immediately abutting upon any public way in the city, which is designed or intended to or which in fact does collect, attract or cause to be collected or attracted a sufficient number of persons to interfere with the passage of the public

along the public way upon which such show window or premises abut. If said show, performance or exhibition results in the collection or attraction of a sufficient number of persons to interfere with the passage of the public along such public way, any member of the department of police shall have the power and it shall be his duty to enter such premises and cause such show, performance or exhibition to be discontinued forthwith, and to cause any performer, figure, apparatus, or other thing of any kind or nature whatsoever, engaged in or used in or about such show, performance or exhibition, to be removed from such show window or premises forthwith.

Any person violating any of the provisions of this section or interfering with the enforcement thereof shall be fined not less than \$5.00 nor more than \$100.00 for each offense.

(Prior code § 36-33; Amend Coun. J. 4-21-99, p. 92526, § 3)

10-8-360 Injury to sidewalk or driveway.

No person shall break or otherwise injure any sidewalk or driveway except as otherwise provided by this Code. Any person violating the provision of this section shall be fined not less than \$50.00 nor more than \$500.00, plus the city's costs incurred in restoring the sidewalk or driveway to its prior condition, for each offense.

(Prior code § 36-35; Amend Coun. J. 12-4-03, p. 99931, § 7.2)

10-8-370 Alleys, access to construction-sites.

(a) Any industrial corporation, business, builder or contractor using unimproved alleys for access to construction-sites, employing vehicles or equipment weighing in excess of five tons shall during the period of construction maintain the grade of said alley and shall fill in any holes or depressions caused by the construction equipment, with a material known as intermediate macadam.

(b) The said industrial corporation, business, builder or contractor shall immediately upon completion of construction restore the alley roadway to the same condition it was prior to the start of said construction. The rehabilitation and restoration of said alley roadway shall be done under the supervision of the department of streets and sanitation of the City of Chicago.

(c) The general contractor shall be responsible for the removal from the building site any excess from the excavation immediately upon completion of the back fill operation.

(d) Violators of any of the provisions of the foregoing sections shall be fined not less than \$50.00 and not more than \$500.00.

(Prior code § 36-35.1)

10-8-380 Defacing property in public places.

No person shall wantonly mar, injure, deface or destroy any fence, guidepost, signboard or awning in any public way or other public place in the city.

(Prior code § 36-36)

10-8-390 Obstructing public improvements.

Any person who shall hinder or obstruct the making or repairing of any public improvement or work ordered by the city council or being done for the city under lawful authority shall be subject to a penalty of not less than \$10.00 nor more than \$100.00.

(Prior code § 36-37)

10-8-400 Barbed wire fence.

(a) No person shall build, construct, use or maintain any fence or barrier consisting or made of what is called "barbed wire", or of which barbed wire is a part, within the city, along the line of, or in, or upon, or along, any public way; or through, along, or around,

any public park; or in and about or along any land or lots or parks owned or controlled by the city. Provided, that nothing in this subsection shall be construed to prevent the use or maintenance of barbed wire in or on that part of any such fence or barrier which is higher than six feet from the surface of the public way, public park, lot or park owned or controlled by the city, and wholly on or over private property.

(b) No person shall build, construct, use or maintain any fence or barrier consisting or made of what is called "razor wire", or of which razor wire is a part, within the city, along the line of, or in, or upon, or along, any public way; or through, along, or around, any public park; or in and about or along any land or lots or parks owned or controlled by the city. Provided, that nothing in this section shall be construed to prevent the use or maintenance of razor wire in or on that part of any fence, barrier or structure that secures a government building, a public transit facility, or a public utility facility.

(c) Whenever in the city, in, along or through any public way or park, barbed wire or razor wire is found in use in part or in whole for a fence or barrier, except as in this section permitted, the same shall forthwith be removed by the commissioner of transportation.

(Prior code § 36-38; Amend Coun. J. 12-11-91, p. 10832; Amend Coun. J. 2-11-04, p. 18364, § 1)