

Chapter 34

MASS GATHERINGS
(13-50)

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34.01 DEFINITIONS.

Commercial Event: Any event that includes any commercial component, such as events that: a) require a fee to attend or participate, or to purchase any food, beverage or other item at such event; b) involve the award of prizes of any commercial or monetary value based upon entry or participation; c) are conducted or sponsored by any for-profit commercial entity; d) are conducted for the monetary, commercial or pecuniary gain of any individual, company or entity; e) are conducted on the premises of any for-profit company or entity; f) that involves any transaction that is subject to the collection of any government-mandated tax or fee (including but not limited to sales tax or Restaurant & Bar Tax); or, g) that involves any flea market.

Non-Commercial Event: Any event other than a Commercial Event.

Flea Market: A market or gathering for the selling of commercial or household goods and curios, conducted outdoors or within a building, where multiple vendors gather with temporary structures or temporary sales areas for the purpose of engaging in commercial activity.

Hazardous Activity: Any activity deemed to be hazardous activity by the City Manager of the City of DeKalb, expressly including (but not limited to): a) events that include any form of boxing, kickboxing, wrestling, martial-arts or other physical fighting or combat with or without weapons (whether for sport, exhibition or amusement); b) events that include the discharge of any firearms or pyrotechnics; c) any circus, carnival, exhibition of live animals, or event that involves the use of temporary amusement rides; d) any car show involving moving automobiles in any format, any monster truck rally or show, or event that involves a driving competition or display of driving skill or vehicle speed or ability in any format; or, e) any haunted house or other similar temporary display or any temporary amusement display.

Private Property: Property that is not owned by the City of DeKalb or by an entity identified in subsection 34.03(a), below.

34.02 PERMIT REQUIRED.

It shall be unlawful to organize, sponsor, promote, host or permit to occur any gathering or event that requires a permit under the terms of this Chapter, without first having lawfully obtained such a permit. Each

event shall require a separate permit, with one permit covering the entirety of the event. Events may require permitting under more than one City Code.

34.03 EXEMPT PROPERTIES OR EVENTS.

a) Any event or gathering conducted solely on property owned by the United States government, the State of Illinois, the DeKalb Park District or the DeKalb Community Unit School District No. 428 shall be exempt from the requirement of obtaining a permit under this Chapter, provided that such event or gathering is conducted with the consent of, and in accordance with all requirements imposed by, such owner.

b) Where any event is separately permitted by the City of DeKalb (e.g. an Outdoor Special Event conducted by a licensed liquor retailer within the City), the City Manager may choose to waive the requirement of obtaining a permit under this Chapter 34.

c) Any event conducted solely as a Non-Commercial Event, the purpose of which is solely to conduct a rally, march, demonstration, discussion or speech that constitutes non-commercial speech on a matter of public interest, including but not limited to political or religious speech, shall be exempt from the requirements of this Chapter unless such event: 1) includes any Hazardous Activity; or, 2) will require the planned closure or interruption of any public street.

d) Any auction conducted by a Illinois-licensed auctioneer shall be exempt from the requirement of obtaining a permit under this Ordinance, provided that the auctioneer must provide not less than 5 business days notice to the City of its intent to conduct any auction that will be conducted in whole or in part outside of a permanent structure or that is anticipated to have more than 100 persons in attendance. The licensed auctioneer shall be responsible for ensuring the safe conduct of any auction. In the event that the City Manager becomes aware of any auctioneer conducting an auction in a fashion that generates a public disturbance or a threat to the public health, welfare, safety or morals, the City Manager is authorized to notify such auctioneer that all future auctions conducted by said auctioneer within the corporate limits of the City of DeKalb shall *not be exempt*, and shall require a permit if otherwise required under this Chapter 34.

34.04 CITY-OWNED PROPERTIES.

a) A permit is required to conduct an event in whole or in part on any property, including streets, sidewalks or rights of way, owned by the City of DeKalb where such event:

1. Is a Commercial Event;
2. Is an event including any Hazardous Activity;
3. Is an event that will involve the use of any temporary structure (e.g. a tent requiring any poles and rigging, but not to include a self-standing, pop-up tent smaller than 200 square feet) or temporary utility services that require a permit or inspection under any applicable code or regulation;
4. Is an event that will require the planned closure or interruption of any public street, parking lot, park, right of way, or other City-owned property; or,
5. Is a Non-Commercial Event that is planned or reasonably anticipated to have attendance in excess of 200 persons.

34.05 PRIVATE PROPERTY.

a) Commercial Events:

- 1) A permit is required for any Commercial Event conducted on private property where such event:

(a) Is ticketed or reasonably anticipated to have, or actually does have, attendance in excess of the legally-established occupancy limits for the building in which such event is proposed to be conducted at one time;

(b) Is contemplated to be conducted at least partially outside of a fully-enclosed, permanent structure (i.e. at least partially outside and/or in temporary structures or tents) and is ticketed or reasonably anticipated to have, or actually does have, attendance in excess of 100 persons at one time;

(c) Includes any Hazardous Activity;

(d) Is an event that will involve the use of any temporary structure or temporary utility services that require a permit or inspection under any applicable code or regulation;

(e) Is an event that will require the planned closure or interruption of any public street, parking lot, park, right of way, or other City-owned property;

(f) Is an event that includes the sale or distribution of any age-restricted product, commodity, item or service; or,

(g) Requires the use or aggregation of more than one parcel of land or the use of any off-site parking arrangements to accommodate expected attendance.

b) Non-Commercial Events:

1) A permit is required for any Non-Commercial Event conducted on private property where such event:

(a) Is ticketed or reasonably anticipated to have, or actually does have, attendance in excess of the legally-established occupancy limits for the building in which such event is proposed to be conducted at one time;

(b) Is contemplated to be conducted at least partially outside of a fully-enclosed, permanent structure (i.e. at least partially outside and/or in temporary structures or tents) and is ticketed or reasonably anticipated to have, or actually does have, attendance in excess of 200 persons at one time;

(c) Includes any Hazardous Activity;

(d) Is an event that will involve the use of any temporary structure or temporary utility services that require a permit or inspection under any applicable code or regulation; or

(e) Is an event that will require the planned closure or interruption of any public street, parking lot, park, right of way, or other City-owned property.

34.06 PERMIT APPLICATION.

a) Any person conducting an event which requires a permit under this Chapter 34 shall apply for said permit on an application form approved by the City Manager, providing such information as the City Manager shall determine. The fee for said application shall be \$200 per event, per day, which fee may be waived at the discretion of the City Manager for Non-Commercial events conducted by bona fide, lawfully organized not for profit or tax exempt entities or for private, non-commercial events. Permit applications shall be submitted not less than thirty (30) days prior to the anticipated date of the event. The City Manager shall be authorized to establish minimum standards for the conduct of any event requiring a permit hereunder.

b) The permit application shall be accompanied by a site plan showing the proposed location and orientation of the event, and identifying: i) applicable occupancy limits; ii) temporary or permanent sanitation facilities; iii) all points of emergency ingress and egress; iv) any temporary structures, tents, facilities, generators or utility connections anticipated to be utilized; and, v) the parking arrangements for anticipated attendees, showing that all anticipated attendees can be safely accommodated by planned parking. The site plan shall be accompanied by written letters from the owners of each parcel identified for use on the site plan

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(other than property owned by the applicant), consenting to the use of their property for the event.

c) The applicant shall be responsible for all costs of inspection or permitting for any inspection or permit which is required under applicable City Code. In addition, all permits shall be subject to review by the City of DeKalb Police Department, Fire Department and Public Works Department, which shall be authorized to require additional or supplemental inspections based on the nature of the proposed event; the cost of any such inspections shall be borne by the applicant. Any building within which an event including Hazardous Activity is proposed to be conducted within shall require a supplemental fire and public works inspection prior to issuance of a permit for the event. The schedule of fees for any required inspections shall be based upon a current schedule established by each respective Department Head.

d) For any Commercial Event or any event which requires a permit and is to be conducted on City-owned property, the applicant shall be responsible for entering into an agreement with the City of DeKalb which identifies a single person legally responsible for the ultimate collection and payment of any governmental fines, penalties, taxes or fees due in connection with the event, and which specifies any specific rules or regulations applicable to the event (including but not limited to regulations relating to the sale of any age-restricted items or services or the conduct of any Hazardous Activities).

1. Said agreement shall be in a form acceptable to the City Manager, and the City Manager is authorized to negotiate and enter into such agreements on behalf of the City. In the case of any event that is identified by any City Department as requiring supplemental City services (e.g. an event with Hazardous Activity that the Fire Department determines requires standby ambulance service, an event that the Police Department determines requires supplemental police patrol, or an event that requires Public Works supervision and/or road closure, inspections or utility connections), the agreement shall require that the applicant post a cash escrow in an amount estimated to be adequate to cover the anticipated costs of such supplemental services prior to issuance of an event permit, and shall require that the applicant be responsible for the actual costs incurred by the City in providing any service, patrol, response, or other matter that requires an expenditure of City resources, services or funds in responding to, managing or patrolling such event or any conduct or occurrence arising out of such event.

2. Said agreement shall provide that the applicant shall be responsible for the payment of any cleanup, restoration, remediation or other similar expenses incurred by the City or any private property owner not affiliated with the event, occurring as a result of the event.

3. For any Commercial Event or event involving a Hazardous Activity, temporary structure, temporary utility connection or closure of a public street or right of way, said agreement shall also require the applicant to provide a certificate of insurance evidencing general commercial liability insurance coverage for the event and/or the premises at which the event is to be conducted, from an insurer licensed to do business in the State of Illinois, with policy limits not less than \$1,000,000 per person, per occurrence, and listing the City of DeKalb as additional primary insured without right of subrogation.

e) The applicant shall also be responsible for submitting a security plan providing for the safe and orderly conduct of the event in a fashion that protects the public health, safety, welfare and morals and minimizes or eliminates impact on surrounding property owners and the general public.

f) The City Manager or his designee shall be authorized to approve or reject any permit application based on the facts and circumstances before him. An event permit may be rejected based upon other events or occurrences known to be occurring within the City at the proposed time of the event, or based on City staffing needs at the time of the proposed event. No permit shall be issued to any person who is a debtor on any obligation of any form owed to the City of DeKalb. The City Manager shall be authorized to coordinate

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between different types of event permits or applications that may be required under various City Codes and to utilize the event permit process herein described to satisfy such other permit requirements if deemed appropriate by him.

g) Once issued, an event permit may be revoked at any time without notice, by any City employee, based upon the observation or identification of any actual or potential significant threat to public health, welfare, safety or morals, or any observed violation of City Code. If an event permit is revoked, the applicant shall immediately terminate the event, remove all attendees of the event, remove all temporary structures utilized for the event, and return the premises to its pre-event condition.

34.07 PENALTIES.

A violation of any provision of this Ordinance shall be punishable by a fine of not less than Five Hundred Dollars, plus Court Costs. In addition, violators of this section shall be liable for restitution costs to the City of DeKalb and any other public entity that utilizes public employees to respond to any event or licensed facility to provide police, fire or other similar services.