

ORDINANCE NO. O-2020-22

**AN ORDINANCE REPEALING AND AMENDING CERTAIN SECTIONS OF CHAPTER 10,
"SPECIAL EVENTS, AMUSEMENTS AND ENTERTAINMENTS," AND APPENDIX B, "FEE SCHEDULE"
OF THE WHEATON CITY CODE**

WHEREAS, the City of Wheaton, Illinois ("City") is an Illinois home rule municipality pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution, 1970, and as such the City may exercise any power or perform any function pertaining to its government and affairs; and

WHEREAS, the City has determined it to be in the best interests of the City and its residents to consider certain amendments to the Wheaton City Code.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Wheaton, Illinois, by its home rule authority as follows:

Section 1: That Section 10-4 "Definitions, of Article II, "Special Events," of Chapter 10, "Special Events, Amusements and Entertainments," " is amended by repealing and rescinding the definition of "*Fair, Festival or Carnival*" and replacing it as follows:

Fair/Festival/Carnival means a stationary event, held for one or more calendar days devoted to exhibition of goods, services, art, or entertainment.

Section 2: That subparagraphs 3 and 6 of Section 10-5 "Permit for expressive activity," of Article II Special Events, of Chapter 10 "Special Events, Amusements and Entertainments," are hereby repealed and rescinded in their entirety and replaced with new subparagraphs 3 and 6 which shall read:

3. Where the application for the expressive activity is submitted less than thirty (30) calendar days before the special event, the committee shall consider the application if good cause can be demonstrated by the applicant through a written statement showing the circumstances that gave rise to the special event application did not reasonably allow the participants to file within the time prescribed.
6. Except as otherwise provided in Section 10-12(b) of this Article, Sections 10-12 and 10-14 shall not apply to expressive activity special events.

Section 3: That subparagraphs 1 and 7 of Section 10-9, "Powers of the special event committee," Article II, "Special Events," of Chapter 10, "Special Events, Amusements and Entertainments," are hereby repealed and rescinded in their entirety and replaced with new subparagraphs 1 and 7 which shall read as follows:

1. Administer this Article;
7. Approve or deny special event permits, pursuant to the procedures established; and

Section 4: That Section 10-11, "Application and processing of permits and post event evaluation," of Article II, "Special Events," of Chapter 10, "Special Events, Amusements and

Entertainments," is hereby repealed and rescinded in its entirety and replaced with a new Section 10-11 "Application and processing of permits and post event evaluation" which shall read:

1. An application shall be submitted to the city up to one year and no less than thirty (30) calendar days prior to the date of the proposed special event to allow adequate time for review. Except as provided in section 10-5(3), if an application is submitted less than thirty (30) calendar days before the proposed special event, the application shall not be accepted.
2. Applications shall be processed on a first come, first served basis.
3. Applicant is required to submit a complete application with information about the proposed special event. This may include, and shall not be limited to, a site map/route map, event schedule and program of activities, hours of operation, security and public safety plan, emergency plan, garbage and recycling plan, traffic management plan and authorized indemnification and hold harmless agreement. Specific requirements shall be determined by the special event committee.
4. The special event committee shall review the application and determine if the special event can be accommodated.
5. The special event committee shall communicate or meet with applicant to discuss proposed location/routes, activities, attendance and to discuss comments received, possible terms and conditions, fees, and city services, if required. Applicants may utilize alternate resources to safely operate a special event without the need for city services when such is practical and effective and approved by the special event committee.
6. The special event committee shall make a recommendation on the application, set forth any terms and conditions and fees, and notify the applicant of approval.
7. Upon approval of an application for a special event permit, the special event permit coordinator shall provide the applicant with a statement of the estimated cost of city services, equipment, materials, and special event permit fee.
8. Upon payment of the special event permit fee by the applicant, the special event permit coordinator shall issue the permit.
9. The special event permit coordinator shall furnish a report to notify the City Council of approved permits.
10. As determined by the special event committee, and at least fifteen (15) calendar days prior to the scheduled date of the special event, the applicant shall provide notification to the affected surrounding area regarding special event approval and activities of the special event, date(s), times(s), location/route, and possible impacts of the event.
11. A post-event evaluation shall be conducted by the special event permit coordinator and/or special event committee. The evaluation may include a survey of affected residents and/or businesses, and a meeting with the event organizer and the special event committee.
12. The total actual cost of city services required in connection with a special event will be invoiced thirty (30) calendar days after the event occurs. This amount shall be paid in full by the applicant no later than thirty (30) calendar days after being invoiced.

Section 5: That subparagraphs 2 and 15 of paragraph (a) of Section 10-12, "Standards for permit approval," of Article II, "Special Events" of Chapter 10, "Special Events, Amusements and Entertainments are hereby repealed and rescinded in their entirety and replaced with new subparagraphs 2 and 15 which shall read:

2. The application was submitted at least thirty (30) calendar days before the event;
15. The applicant has paid all fees due from a previous special event;

Section 6: That Section 10-13, "Denial of a special event permit application – appeal of denial or revocation," of Article II, "Special Events," of Chapter 10, "Special Events, Amusements and Entertainments," is hereby repealed and rescinded in its entirety and replaced with a new Section 10-13, "Denial or revocation of special event permit/appeal" which shall read:

Sec. 10-13. Denial or revocation of special event permit application/appeal

- (a) The special events committee or the city council may deny an application for a special event permit or revoke any special event permit if:
 - (1) The applicant's special permit application fails to comply with the requirements of Section 10-12 "Standards for permit approval" and cannot be corrected.
 - (2) The applicant supplies false or misleading information; the applicant fails to complete the application or to supply other required information or documents; or the applicant declares or shows an unwillingness or inability to comply with reasonable terms and conditions contained in the proposed permit;
 - (3) Any of the conditions set forth in section 10-14 of this article are not met;
 - (4) The applicant requests withdrawal of its application, requests the cancellation of the permit, or cancels the event;
 - (5) An emergency or supervening occurrence requires the cancellation or termination of the special event to protect the public's health or safety.
- (b) An applicant whose permit application is denied, or whose permit is revoked pursuant to this section shall be notified of the action of denial or revocation in writing as soon as is reasonably practicable and such notification shall contain a statement setting forth the reason(s) for the denial or revocation, as well as a reference to the appeal provisions set forth in this section. Notification, pursuant to this subsection shall be deemed satisfied when the notice is placed, postage prepaid, in the United States mail, certified mail, return receipt requested and addressed to the applicant at the address shown on the permit application.
- (c) The denial of a special event permit or the revocation of a special event permit may be appealed to the city council by filing a written petition with the city manager setting forth with specificity the grounds for the appeal and any documentation in support of the appeal. An appeal shall be made in writing within seven (7) calendar days of the date of the written denial sent by the city. The city council shall consider and decide the appeal as soon as is reasonably practicable at a regularly scheduled city council meeting, at which time the applicant shall be entitled to be heard and present evidence on his/her behalf. The city council shall determine the merits of the appeal. The city council's determination to grant or deny the appeal shall be final.

Section 7: That Section 10-14, "Conditions of special event approval and additional permits" of Article II, "Special Events" of Chapter 10, "Special Events, Amusements and Entertainments," is hereby repealed and rescinded in its entirety and replaced with a new Section , 10-14 "Conditions of special event approval and additional permits" which shall read:

Sec. 10-14. Conditions of special event approval and additional permits.

The city may issue a special event permit in accordance with the terms of the application or may condition the issuance of a special event permit by imposing reasonable terms and conditions. These conditions may include, but are not limited to: time, place and manner of the event; duration of the event, compliance with health and sanitary regulations, emergency services, and security; and other such requirements as are necessary to protect the safety and rights of persons and property, and the control of traffic. Additional permits may be required to meet the conditions established by the permit, and/or other city codes. A special event permit may include the following information, terms and conditions:

- (1) The conditions or restrictions on the service, use or sale of alcoholic beverages;
- (2) The provisions for any city services required or requested in connection with a special event;
- (3) In order to accommodate other concurrent special events, the rights of abutting owners, and/or the needs of the public to use streets or parks, the conditions may also include: reasonable adjustments in the date, time, route or location of the proposed event, accommodations for pedestrian or vehicular traffic using the street; and limitation on the duration of the special event;
- (4) In order to minimize repeated road closures in the same geographic area, particularly involving heavily used thoroughfares, special events using the same or similar routes should not be scheduled on the same day, subsequent days, or on subsequent weekends within the year. Special events that request the use of high-impact areas are subject to additional conditions as determined by the special event committee;
- (5) Other information or conditions as are reasonable and necessary for the conduct of the special event, including the requirement for a professional special event management company to produce a special event, or for the on-site presence of the special event organizer or its designated representative for all special event coordination and management purposes;
- (6) The applicant may be required to do a walk-through of the special event site with the special event permit coordinator and/or other city personnel prior to and after the special event, and to make adequate provisions for site safety, cleaning the area or route to the same condition of material preservation and cleanliness as existed prior to the special event; or
- (7) The applicant shall be required to reimburse the city for all expenses associated with repairs for damage to property or additional clean-up necessary as a direct result of the special event. These items/charges will be discussed during a walk-through with the special event permit coordinator and/or other city personnel after the special event.

Section 8: That Section 10-15 "Insurance required," of Article II, "Special Events" of Chapter 10, "Special Events, Amusements and Entertainments," is hereby repealed and rescinded in its entirety and replaced with a new Section 10-15 "Insurance required" which shall read:

Sec. 10-15. Insurance required.

- (a) Each applicant for a special event permit shall, before the issuance of such a permit, purchase and maintain either a policy of insurance, issued by a solvent insurance company authorized to do business in the state, or insurance coverage through a risk management pool authorized to do business in the state, insuring the permittee against liability for any bodily injury or property damage arising out of, or resulting from, the alleged acts or omissions of the permittee, its

officers, agents, volunteers or employees in connection with the special event. The policy of insurance or insurance coverage provided by a risk management pool shall cover the entire time for which the special event permit is issued, and shall include limits of liability as follows:

- (1) General liability insurance in the following amounts:
 - A. A minimum of two-hundred fifty thousand dollars (\$250,000.00) combined single limit per occurrence and five-hundred thousand dollars (\$500,000.00) general aggregate for personal injury, bodily injury and property damage for special events with an estimated amount of one-hundred (100) event participants or less in attendance; or
 - B. A minimum of five-hundred thousand dollars (\$500,000.00) combined single limit per occurrence and one million dollars (\$1,000,000.00) general aggregate for personal injury, bodily injury and property damage for special events with an estimated amount of one-thousand (1000) event participants or less in attendance; or
 - C. A minimum of one million dollars (\$1,000,000.00) combined single limit per occurrence and two million dollars (\$2,000,000.00) general aggregate for personal injury, bodily injury and property damage for special events with an estimated amount of more than one-thousand (1000) event participants in attendance.
 - (2) Business automobile liability insurance of one million (\$1,000,000.00) combined single limit per accident for bodily injury and property damage if the applicant is using vehicles as part of the event set-up or take down or has vehicles being operated in relation to the event.
 - (3) All insurance coverage provisions and limits may be revised or increased by the city manager to reflect risk exposure.
- (b) Each applicant shall provide either an original certificate of insurance ("COI") signed by an authorized representative of the applicant's insurance company or an original certificate of coverage ("COC") signed by an authorized representative of the applicant's risk management pool.
- (1) COIs shall show the policy numbers, effective dates, and limits of liability sorted by required coverage type. The description of coverage on the COI shall identify the name of the event, the location of the event, and the date(s) of the event and shall name the City of Wheaton, its elected officials, officers, employees, and agents as an additional insured under the applicant's general liability policy, for the date(s) of the event. The city may require the applicant to provide the city with a copy of the additional insured endorsement or insurance policy language providing the city with additional insured status under the applicant's general liability policy.
 - (2) COCs shall show the coverage document(s) number, coverage date(s), and limits of liability sorted by required coverage type. The description of coverage or operations on the COC shall identify the name of the event, the location of the event, and the date(s) of the event and shall name the City of Wheaton, its elected officials, officers, employees, and agents as an additional insured(s) under the applicant's general liability policy, for the date(s) of the event. The city may require the applicant to provide the city with a copy of the additional insured certificate or other document providing the city with additional insured status under the applicant's general liability insurance coverage.
- (c) The applicant with a self-insurance program may satisfy the requirement of section 10-15(a) by submitting a statement from the administrator of such program which, to the satisfaction of the city, establishes that the applicant can satisfy claims in the relevant amount set forth in (a)(1) and(a)(2) of this section.

Section 9: That Section 10-16 "Fees and city services," of Article II, "Special Events" of Chapter 10, "Special Events, Amusements and Entertainments," is hereby repealed and rescinded in its entirety and replaced with a new Section 10-16 "Special event permit fees and city services" which shall read:

Sec. 10-16. Special event permit fees and city services.

- (a) Application fees for special events shall be based on the time frame in which the applicant submits the special event application in accordance with Appendix B.
- (b) Special event permit fee(s) shall be paid upon issuance of an event permit in accordance with Appendix B.
- (c) City services required or requested for the special event shall be estimated by the special event committee and contracted with the applicant in advance. Payment for city services shall be paid in full not later than thirty (30) calendar days after being invoiced.
- (d) Special event permit fees and charges for city services except those city services defined in section 6-87.5(j), outdoor special event liquor license Fees shall be waived for:
 - (1) applicants who submit a special event permit application which states that the special event shall be used for expressive activity which describes the expressive activity in sufficient detail in the application to allow the city attorney to determine that the activity qualifies as expressive activity under applicable law.
 - (2) applicants who are units of local government who are not co-sponsoring the special event with an individual or private entity and are not sharing the proceeds of the special event with an individual or a private entity.
 - (3) applicants who are associations funded in whole or in part by local taxes and which have contracts or agreements with the city to promote policies consistent with the city's economic vitality who are not co-sponsoring the special event with an individual or a private entity and are not sharing the proceeds of the special event with an individual or a private entity.

Section 10: That Section 10-17 "Refund of permit fees in conjunction with the special event," of Article II, "Special Events" of Chapter 10, "Special Events, Amusements and Entertainments," is hereby repealed and rescinded in its entirety and replaced with a new Section 10-17 which shall read:

Sec. 10-17. Refund of permit fees in conjunction with the special event.

Permit fees are refundable, if the permitted event is canceled after the permit is issued, and written notice is received by the special event permit coordinator at least thirty (30) calendar days prior to the date of the permitted event.

Section 11: That Section 10-21 "Definitions" of Article III, "Amusements" of Chapter 10, "Special Events, Amusements and Entertainments," is hereby repealed and rescinded in its entirety and replaced with a new Section 10-21 "Definitions" which shall read:

Sec. 10-21. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Amusement means any amusement attraction, amusement ride, or inflatable attraction.

Amusement attraction means any game of skill, show, exhibition or non-amusement ride entertainment device; or animal show, animal ride, animal act, or rodeo; or an enclosed building or structure, including electrical equipment which is an integral part of the building or structure, through which people walk without the aid of any moving device, that provides amusement, thrills, or excitement, except any such enclosed building or structure which is subject to the jurisdiction of the building code of the city, as set out in chapter 22, article III.

Amusement ride has the meaning ascribed to the term "amusement ride" in the Illinois Amusement Ride and Attraction Safety Act (430 ILCS 85/2-2).

Applicant means any person or organization seeking a permit from the city pursuant to this article. The applicant, including the person seeking a permit on behalf of an organization, must be 18 years of age or older.

Carnival or amusement enterprise means an enterprise which offers amusement or entertainment to the public by means of one or more amusement attractions, amusement rides or inflatable attractions.

Inflatable attraction means an amusement ride or device designed for use that may include, but not be limited to, bounce, climb, slide, or interactive play, which is made of flexible fabric, is kept inflated by continuous air flow by one or more blowers, and relies upon air pressure to maintain its shape, hereinafter referred to in this definition as "inflatable device," which is available to the public, but shall exclude any inflatable device used at a private party when the general public is not invited or which is owned and used on private residential premises by the residential property owner or tenant.

Fair means a stationary event, held for one or more calendar days devoted to exhibition of goods, services, art, or entertainment.

Operator means a person, or the agent of a person, who owns or controls or has the duty to control the operation of an amusement ride, amusement attraction, inflatable attraction at a carnival, amusement enterprise, or fair.

Section 12: That Section 10-23 "State permit requirement" of Article III, "Amusements" of Chapter 10, "Special Events, Amusements and Entertainments," is hereby repealed and rescinded in its entirety and replaced with a new Section 10-23 "State permit requirement" which shall read:

Sec. 10-23. State permit requirement.

No amusement shall be operated within the corporate limits of the city without evidence of a permit having been issued by the director or designee of the Illinois Department of Labor to the operator of such equipment. Such permit to operate shall be posted in full public view on or near the amusement ride, amusement attraction, or inflatable attraction. If an amusement ride, amusement attraction or inflatable attraction undergoes a major alteration or is repaired after a major breakdown, it shall be inspected or approved for use by the director of the Illinois Department of Labor. All such amusement rides, amusement attractions, or inflatable attractions, governed by this article must be assembled, operated, and disassembled in

accordance with the rules of the State of Illinois Amusement Ride and Attraction Safety Act (430 ILCS 85/2-1 et seq.).

Section 13: That, Section 10-24 "Application and processing of amusement permits" of Article III "Amusements" of Chapter 10, "Special Events, Amusements and Entertainments," is hereby repealed and rescinded in its entirety and replaced with a new Section 10-24 "Application and processing of amusement permits" which shall read:

Sec. 10-24. Application and processing of amusement permits.

An amusement permit shall be obtained from the Building and Code Enforcement Department to establish and operate any amusements within the corporate limits of the city. The following procedure applies:

1. An application shall be submitted to the city at least thirty (30) calendar days prior to the date of the proposed activity or event for which an amusement permit is being sought.
2. The applicant shall submit a complete application with information about the proposed amusement. This may include, and shall not be limited to, a site map, comprehensive list of all amusements and associated state permits, emergency plan, and authorized indemnification and hold harmless agreement.
3. The applicant shall submit proof of liability insurance as required under section 10-25.
4. The Building and Code enforcement Department will review the application and communicate with the applicant to discuss any terms, conditions, or operating requirements that apply to the application.

Section 14: That Section 10-25 "Insurance requirements" of Article III, "Amusements" of Chapter 10, "Special Events, Amusements and Entertainments," is hereby repealed and rescinded in its entirety and replaced with a new Section 10-25 "Insurance requirements" which shall read:

Sec. 10-25. Insurance requirements.

- (a) Each applicant for an amusement permit shall, before the issuance of such permit, purchase and maintain a policy of insurance, issued by a solvent insurance company authorized to do business in Illinois, insuring the permittee or owner of such amusement ride or amusement attraction against liability for any injury to any persons resulting from the operation of the amusement ride, amusement attraction, or inflatable attraction. Such a policy of insurance shall cover the entire time for which the amusement permit is issued, and shall, at a minimum include, general liability insurance with the statutory limits required by the Illinois Amusement Ride and Attraction Safety Act, 430 ILCS 85/2-14.
- (b) If the amusement is to be located on public property owned by the city, the applicant shall provide an original certificate of insurance signed by an authorized representative of the applicant's insurance company naming the City of Wheaton, its elected officials, officers, employees, and agents as an additional insured under the applicant's general liability policy, without restriction(s), for the date(s) the amusement shall be located on city property. The city may require the applicant to provide the city with a copy of the additional insured endorsement or insurance policy language providing the city with additional insured status under the applicant's general liability policy. The applicant's certificate of insurance shall also include a provision prohibiting the cancellation of the insurance policies described on the

certificate of insurance except upon at least thirty (30) calendar days' prior written notice to the city.

- (c) The applicant with a self-insurance program may satisfy the requirement of section 10-25(a) by submitting a statement from the administrator of such program which, to the satisfaction of the city, establishes that the applicant can satisfy claims in the statutory amount required by section 10-25.
- (d) If the amusement is associated with an existing special event application for which the applicant has already filed a certificate of insurance, that certificate of insurance satisfies the requirements of this section if it evidences the coverage, conditions, and limits required by this section. If such certificate of insurance does not satisfy the coverage, conditions, and limits required by this section, then a new certificate of insurance satisfying the coverage, conditions, and limits required by this section shall be filed with the city prior to the issuance of any permit.

Section 15: That subparagraph (a) of Section 10-26 "General operating requirements," of Article III, "Amusements" of Chapter 10, "Special Events, Amusements and Entertainments," is repealed and rescinded in its entirety and replaced with a new subparagraph (a) which shall read::

- (a) *Certain persons denied entry.* The owner or operator of an amusement shall deny entry to a person to an amusement ride, amusement attraction or inflatable attraction if, in the owner's or operator's opinion, the entry may jeopardize the safety of such person or the safety of any other person. Nothing in this section will permit any owner or operator to deny an inspector access to an amusement when such inspector is acting within the scope of his duties under this article.

Section 16: That Section 10-28 "Revocation of amusement permit," Article III, "Amusements" of Chapter 10, "Special Events, Amusements and Entertainments," is hereby repealed and rescinded in its entirety and replaced with a new Section 10-28 "Denial or revocation of amusement permit" which shall read as follows:

Sec. 10-28. Denial or revocation of amusement permit.

- (a) The city manager or his or her designee may deny an application for an amusement permit or revoke any amusement permit if:
 - 1. The applicant supplies false or misleading information; the applicant fails to complete the application or to supply other required information or documents; or the applicant declares or shows an unwillingness or inability to comply with reasonable terms and conditions contained in the proposed permit;
 - 2. Any of the conditions set forth in section 10-27 of this article are not met;
 - 3. The amusement conducted is in violation of any of the terms or conditions of the permit;
 - 4. The applicant requests withdrawal of its application, requests the cancellation of the permit, or cancels the event;
 - 5. An emergency or supervening occurrence requires the cancellation or termination of the operation of the amusement(s) to protect the public's health or safety.
- (b) An applicant whose permit application is denied, or whose permit is revoked pursuant to this section shall be notified of the action of denial or revocation in writing as soon as is

reasonably practicable and such notification shall contain a statement setting for the reason(s) for the denial or revocation as well as a reference to the appeal provisions set forth in this section. Notification, pursuant to this subsection shall be deemed satisfied when the notice is placed, postage prepaid, in the United States mail, certified mail, return receipt requested and addressed to the applicant at the address shown on the permit application.

Section 17: That Section 10-29 "Appeal of permit denial or revocation" of Article III, "Amusements" of Chapter 10, "Special Events, Amusements and Entertainments," is hereby repealed and rescinded in its entirety and replaced with a new Section 10-29 "Appeal of permit denial or revocation" which shall read as follows:

Sec. 10-29. Appeal of permit denial or revocation.

The denial of an amusement permit or the revocation of an amusement permit may be appealed to the city council by filing a written petition with the city manager setting forth with specificity the grounds for the appeal and any documentation in support of the appeal. An appeal shall be made in writing within seven (7) calendar days of the date of the written denial sent by the city. The city council shall consider and decide the appeal as soon as is reasonably practicable at a regularly scheduled city council meeting at which time the applicant shall be entitled to be heard and present evidence on his/her behalf. The city council shall determine the merits of the appeal. The city council's determination to grant or deny the appeal shall be final.

Section 18: That subparagraph 1 of Section 10-34 "Application and processing of circus permits," Article IV, "Circus" of Chapter 10, "Special Events, Amusements and Entertainments," is repealed and rescinded in its entirety and replaced with a new subparagraph 1 which shall read:

1. An application shall be submitted to the city at least 30 calendar days prior to the date of the proposed circus for which a permit is being sought.

Section 19: That Section 10-37 "Revocation of permit" of Article IV, "Circus" of Chapter 10, "Special Events, Amusements and Entertainments," is hereby repealed and rescinded in its entirety and replaced with a new Section 10-37 "Denial or revocation of circus permit" which shall read:

Sec. 10-37. Denial or revocation of circus permit.

- (a) The city manager or his or her designee, or the city council may deny an application for a circus permit or revoke any circus permit if:
1. The applicant supplies false or misleading information; the applicant fails to complete the application or to supply other required information or documents; or the applicant declares or shows an unwillingness or inability to comply with reasonable terms and conditions contained in the proposed permit;
 2. Any of the conditions set forth in section 10-36 of this article are not met;
 3. The circus conducted is in violation of any of the terms or conditions of the permit;
 4. The applicant requests withdrawal of its application, requests the cancellation of the permit, or cancels the event;
 5. An emergency or supervening occurrence requires the cancellation or termination of the operation of the circus to protect the public's health or safety.

- (b) An applicant whose permit application is denied, or whose permit is revoked pursuant to this section shall be notified of the action of denial or revocation in writing as soon as is reasonably practicable and such notification shall contain a statement setting for the reason(s) for the denial or revocation as well as a reference to the appeal provisions set forth in this section. Notification, pursuant to this subsection shall be deemed satisfied when the notice is placed, postage prepaid, in the United States mail, certified mail, return receipt requested and addressed to the applicant at the address shown on the permit application.

Section 20: That Section 10-38 "Appeal of permit denial or revocation" of Article IV, "Circus" of Chapter 10, "Special Events, Amusements and Entertainments," is hereby repealed and rescinded in its entirety and replaced with a new Section 10-38 "Appeal of permit denial or revocation" which shall read:

Sec. 10-38. Appeal of permit denial or revocation.

The denial of a circus permit or the revocation of a circus permit may be appealed to the city council by filing a written petition with the city manager setting forth with specificity the grounds for the appeal and any documentation in support of the appeal. An appeal shall be made in writing within seven (7) calendar days of the date of the written denial sent by the city. The city council shall consider and decide the appeal as soon as is reasonably practicable at a regularly scheduled city council meeting at which time the applicant shall be entitled to be heard and present evidence on his/her behalf. The city council shall determine the merits of the appeal. The city council's determination to grant or deny the appeal shall be final.

Section 21: That Section 10-43 "Fireworks permit required," of Article V, "Fireworks" of Chapter 10, "Special Events, Amusements and Entertainments," is hereby repealed and rescinded in its entirety and replaced with a new Section 10-43 which shall read:

Sec. 10-43. Fireworks permit required.

- (1) Public exhibitions of fireworks may be given if a permit is granted by the fire chief or their designee. Such exhibitions shall be given subject to the supervision of the fire chief or some person designated by him.
- (2) Applications for a permit to exhibit fireworks shall be made in writing at least ninety (90) calendar days in advance of the date of the display. The sale, possession, use and distribution of fireworks for such display shall be lawful for the purpose stated in this section only. No permit granted hereunder shall be transferable.
- (3) The applicant shall provide information about the proposed fireworks display. This shall include, but is not limited to launch site plan, shell size list, associated state license from the Illinois State Fire Marshall and an emergency plan.
- (4) The permit required hereunder shall be in addition to any permit, license or approvals required by city code, state statutes and any regulations promulgated pursuant thereto.

Section 22: That Section 10-54 "Same Issuance or denial" of Article VI, "Raffles" of Chapter 10, "Special Events, Amusements and Entertainments," is hereby repealed and rescinded in its entirety and replaced with a new Section 10-54 "Application: Issuance or denial" which shall read:

Sec. 10-54. Application: issuance or denial.

Review of applications shall include, but is not limited not limited to, consideration of the requirements contained in sections 10-51 and 10-53 of this article and in section 15/3.1(a) and (b) of the Raffles and Poker Runs Act, as amended [230 ILCS 15/3.1(a) and (b)]. Within 30 calendar days from the date of an application for a license under this article, the city manager shall either issue a license or advise the applicant, in writing, of the reason for denial of a license, including a statement about the decision to refuse to issue a license, a listing of any convictions which the city determined will impair the applicant's ability to engage in the licensed activity, and a listing of convictions which formed the sole or partial basis for the denial. In the event a license is denied, the applicant shall have the right upon receipt of such written denial, to appeal the decision to the city council at the next regularly scheduled city council meeting.

Section 23: That subparagraph (9) of Section 10-56 "Conducting raffles," of Article VI, "Raffles" of Chapter 10, "Special Events, Amusements and Entertainments," is hereby repealed and rescinded in its entirety and replaced with a new subparagraph (9) which shall read: :

(9) The maximum number of days during which chances may be issued or sold shall be one hundred eighty (180) calendar days, unless otherwise provided by resolution of the city council.

Section 24: That Section 10-57 "Manager; bond" of Article VI, "Raffles" of Chapter 10, "Special Events, Amusements and Entertainments," is hereby repealed and rescinded in its entirety and replaced with a new Section 10-57 "Managers bond" which shall read:

Sec. 10-57. Manager's bond.

All operation and conduct of raffles shall be under the supervision of a single raffle manager designated by the licensed organization. The manager shall give a fidelity bond in the sum of the total amount of the aggregate retail value of all of the prizes in favor of the organization conditioned upon his honesty and the performance of his duties. The terms of the bond shall provide that notice shall be given in writing to the city not less than 30 calendar days prior to its cancellation. The city council may waive this bond requirement by including a waiver provision in the license issued to an organization under this article, provided that a license containing such waiver provisions shall be granted only by unanimous vote of the members of the licensed organization.

Section 25: That subparagraph (3) of Section 10-58 , "Records and reporting requirements" of Article VI, "Raffles" of Chapter 10, "Special Events, Amusements and Entertainments," is hereby repealed and rescinded in its entirety and replaced with a new subparagraph (3) which shall read:

(3) Each organization licensed to conduct raffles shall submit a report within 30 calendar days after the conclusion of each raffle to its membership and to the city of its gross receipts, expenses, and net proceeds from raffles, and the distribution of net proceeds itemized as required under subsection (1) of this section.

Section 26: That subsections 2 through 5 of Section B-4 "Administrative Fees" and Section B-5 "Special Event Fees" of Appendix B, "Fee Schedule" of the Wheaton City Code, are hereby repealed and rescinded in their entirety and replaced with new subsections 2 through 5 of Section B-4

"Administrative Fees," and Section B-5 "City Services Fees" which shall read:

B-4 Administrative Fees		
2. Amusements and entertainment		
a. Amusement which are part of a carnival, circus or fair enterprise	\$50.00 up to a maximum fee of \$500	Per attraction, ride or inflatable attraction
b. Circus	\$100.00	Per day
c. Fireworks	\$50.00	Per permit
d. Sound	No Fee	
e. Tent	\$100.00	Per tent (good for 90 days only; no permit needed for 400 square feet or less)
f. Raffles	\$25.00	Per application
3. Special Event:		
a. Application Fee	- 90 calendar days or more: \$100 - Between 60 and 89 calendar days: \$250 - Between 30 and 59 calendar days: \$500 - Less than 30 calendar days: Not accepted	Per application
b. City Services	Cost of city services as determined by the special events committee; applicant will be invoiced after special event has concluded	Per special event
4. Automatic amusement devices:	(Chapter 26)	
a. Jukeboxes or other musical devices	\$25.00	Per license/permit
b. Coin or card-operated games	\$75.00	Per machine

5. Public places of amusement:	(Chapter 26)	
a. Animal show	\$25.00	Per day
b. Rodeo	\$50.00	Per day
c. Amusement attractions, amusement rides and/or inflatable attractions which are not part of any carnival, circus or fair enterprise	\$50.00	Per attraction, ride or inflatable attraction

B-5 City Services Fees			
	Regular Hourly Rate	Overtime Hourly Rate	
1. Police department:			Per hour, one-hour minimum
a. Lieutenant	\$64.30	\$96.45	
b. Sergeant	\$57.81	\$86.71	
c. Detective	\$48.54	\$72.81	
d. Patrol officer	\$47.94	\$71.91	
e. Community service officer	\$29.75	\$44.63	
f. Community service officer (Part-Time)	\$23.00	\$34.50	
2. Fire department:			Per hour, one-hour minimum
a. Assistant fire chief	\$47.78	\$71.67	
b. Lieutenant	\$44.10	\$66.16	
c. Firefighter	\$37.38	\$56.06	
d. Paramedic	\$34.86	\$45.00	
3. Public works department:			Per hour, one-hour minimum
a. Supervisor	\$41.97	\$62.96	
b. Maintenance specialist	\$35.61	\$53.42	
c. Electrician	\$38.42	\$57.63	
d. Mechanic	\$38.42	\$57.63	
e. Maintenance worker	\$32.21	\$48.32	

f. Maintenance custodian	\$26.24	\$39.36	
g. Seasonal worker	\$12.24	\$18.36	
4. Other city personnel, vehicles, equipment	Rate as determined by finance director		

Section 27: Violations pending at the effective date of this Ordinance shall be subject to the provisions of the City Code, including appendices, which were in force at the time of the violation.

Section 28: Applications for permits pending at the effective date of this Ordinance shall be subject to the provisions of the City Code which were in force at the time of the application or these amendments to the City Code at the election of the permit applicant.

Section 29: All ordinances or parts of ordinances in conflict with these provisions are repealed. All Ordinances, Articles, Sections and Subsections not specifically amended by, and not in conflict with this amendment, shall remain in full force and effect.

Section 30: This Ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



 Mayor

Attest:

 City Clerk

Ayes:

Roll Call Vote:
 Councilman Rutledge
 Councilman Zaruba
 Councilman Barbier
 Councilwoman Bray-Parker
 Councilwoman Fitch
 Mayor Suess
 Councilwoman Robbins

Nays: None
 Absent: None
Motion Carried Unanimously

Passed: June 1, 2020
 Published: June 2, 2020

