

**ORDINANCE NO. 10-2013**

**AN ORDINANCE AMENDING SECTION 21-18, PARADES  
AND OPEN AIR MEETINGS; PERMIT REQUIRED, OF  
CHAPTER 21, STREETS AND SIDEWALKS, OF THE  
EVERGREEN PARK MUNICIPAL CODE**

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BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Evergreen Park, Cook County, Illinois, as follows:

Section 1

That Section 21-18, Parades and open air meetings; permit required, of Chapter 21, Streets and Sidewalks, of the Evergreen Park Municipal Code be amended to read as follows:

**Sec. 21-18 Parade permit required.**

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

“Business day” means those days in which municipal offices are open for conducting Village business. A “business day” does not include Saturday, Sunday or a holiday when the Village Hall is closed.

“Chief of Police” means the Chief of Police.

“On-duty” means any Village employee, including a police officer, who is scheduled to work on a specific day or shift as part of the employee's normal working hours. A Village employee is not “on-duty” if the employee was not normally scheduled to work on that specific day or shift as part of the employee's normal working hours, but was called in or scheduled to work on that specific day or shift due to the demand for additional Village personnel or resources.

“Organization” shall include any voluntary association entered into for the purpose of organizing a parade.

“Parade” means any march, procession or other similar activity consisting of persons, animals, vehicles or things, or any combination thereof, upon any public street, sidewalk, alley or other public place, which requires a street closing or otherwise requires authorized Village employees to stop or reroute vehicular traffic because the parade will not or cannot comply with normal and usual traffic regulations or controls.

“Parade organizer” means the person listed on the permit application who is designated as the responsible planner and on-site manager for the parade.

“Parade unit” or “unit” means one vehicle, one float or one marching group.

"Person" has the same meaning ascribed to that term in Section 1-2.

"Traditional parade" means a parade that 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.

(b) No parade is permitted on any portion of the public way unless a permit allowing such activity has been obtained from the Chief of Police. No parade is permitted on the roadway of 95<sup>th</sup> Street without permission and approval from the Illinois Department of Transportation.

(c) Except as provided in subsection (i), any person or organization seeking to obtain a parade permit shall file an application with the Chief of Police in the same calendar year as, and not less than 15 business days before, the date for which the parade is proposed; provided that if the requested permit is for a parade to be held in January, 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 Chief of Police shall 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) (1) 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.

(2) No person or organization may submit an application on behalf of another person or entity that is also filing a parade application.

(3) 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.

(4) The Chief of Police is authorized to disregard any such multiple applications and to deny any permit on the basis of a violation of this subsection (d). Any applicant who disagrees with the Chief of Police's actions hereunder may appeal, in the manner set forth in subsection (l).

(e) (1) An application for a parade permit shall contain the following information:

(i) the name, address, 24-hour contact telephone number, and, if available the fax number and e-mail address, 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. If the person is signing the application on behalf of an organization, evidence that the person is authorized to sign the application on behalf of such organization;

(ii) where an organization is involved in requesting a permit, the name, address, 24-hour contact telephone number, and, if available, the fax number and e-mail address, of the leaders of the organization conducting the parade. If the applicant at a later date becomes affiliated with an organization for purposes of producing a parade, this information shall be submitted at such time;

(iii) the name, address, 24-hour contact telephone number, and, if available, the fax number and e-mail address of the parade organizer;

(iv) the date of the proposed parade and the hours that it will begin and end;

(v) the location and exact street address of the assembly and disbanding area, the time when the parade will begin to assemble and disband and whether a permit has been obtained from the property owner to use the assembly or disbanding area;

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

(vii) the route along which the parade will proceed and the sidewalks or lanes of traffic it will occupy;

(viii) a list identifying the type and number of all animals that applicant intends to have at the parade; and

(ix) a description of any sound amplification or other equipment that is on wheels or too large to be carried by one person, and a description of the size and dimension of any sign, banner or other attention-getting device that is too large to be carried by one person, to be used in connection with the parade.

(2) As a condition of the permit, the permit holder shall keep all information current. Any change in required information shall be reported to the Chief of Police immediately.

(3) The application for a parade permit shall be accompanied by a non-refundable processing fee of \$50.00.

(4) The application shall be in a form and format as prescribed by the Chief of Police in rules and regulations. The Chief of Police is authorized to disregard any application filed not in compliance with such rules and regulations and the application shall be returned to the applicant.

(f) The Chief of Police shall investigate the facts set out in the application, in consultation with the Police Department, which shall be sent copies of the application immediately upon receipt. Where the Chief of Police determines that additional information on the factors set forth in subsection (g)(1) – (4) is required, copies of the application and a request

for such information also shall be sent to any appropriate Village department or other governmental agency, including any sister agency. Where the Chief of Police determines that any such entities may need to make advance preparations for the parade, or may have information useful to planning for Village services supporting the event, a copy of the permit or an alternative form of notice shall be sent to the appropriate Village department, and any governmental agency, including any sister agency, which may be affected by the parade.

Every February 1<sup>st</sup> the Chief of Police shall send to the Mayor and Board of Trustees a list of all parade permits granted which have not previously been reported.

(g) After such investigation, the Chief of Police shall issue a permit when the Chief of Police finds that:

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

(2) There are available at the time of the parade a sufficient number of on-duty police officers, or other Village employees authorized to regulate traffic, to police and protect lawful participants in the parade and non-participants from traffic-related hazards in light of the other demands for police protection at the time of the proposed parade;

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

(4) The parade will not interfere with the use of the 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;

(5) The parade will not be conducted for any purpose or in any manner made unlawful elsewhere in this code or by any other local, state or federal law; and

(6) The application contains sufficient information about the person or organization applying for the permit, the parade organizer, and the proposed date, time, location, route and number of participants.

(h) Subject to subsection (i), all applications for any parade permit shall be processed on a first-in-time basis; provided that if there is a conflict between two or more applications filed, the conflict shall be resolved as follows:

(1) During the first five business days of each calendar year, the Chief of Police shall accept all applications for a parade permit filed without giving priority to applications filed first in time; provided however that for purposes of calculating the number of days required to take action or provide notice pursuant to subsection (j), all

applications filed within the first five business days of the calendar year shall be deemed as filed on the fifth business day of the year.

(2) Where there is a conflict between two or more applications filed during the first five business days, or with an application for a traditional parade, the Chief of Police shall first evaluate whether the conflict could be resolved by assigning the applicants consecutive times on the same day and route, giving consideration to the criteria set forth in subsection (g)(1) – (4). If the Chief of Police finds that consecutive times are appropriate, the Chief of Police 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 (k) for purposes of the five-business day time period in which to file an acceptance or appeal.

Where consecutive times are not deemed appropriate and the conflict is with an application for a traditional parade, the traditional parade shall receive the permit in compliance with subsection (i).

(3) With respect to any remaining conflicts among permit applications, the Chief of Police 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 Chief of Police. 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,

(4) Applications for a parade permit received during the first five business days of the calendar year shall be given priority over applications received thereafter.

(i) For purposes of protecting the expectations and enjoyment of the public, a traditional parade shall be given a preference to continue on the traditional date and route of the parade. An application for a permit for a traditional parade shall be filed between the 1st and 15th day of December in the year prior to which the parade is to be held. Any application for a permit for a traditional parade filed after such time shall lose the traditional parade preference and shall be considered as an application for a non-traditional parade permit and subject to subsection (h).

In addition to any other information required, the Chief of Police may request an applicant for a traditional parade permit to provide information or documentation that the parade for which the permit is requested meets the criteria for a traditional parade.

Where the prior organizer of a traditional parade has been consistent and is ascertainable, that person or organization shall be given the preference.

Where there is a dispute regarding which person or organization shall receive the traditional parade preference for a certain date or route, the traditional parade which has been in existence longer shall receive the permit.

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, the Chief of Police may request those involved to submit documentation to resolve such conflict. Where the Chief of Police finds no clear resolution of the conflict, the Chief of Police shall conduct a lottery to select the permittee, and shall notify each applicant in writing by mail, fax or e-mail of the existence of the conflict and of the date, time and place of the lottery.

Any applicant who disagrees with the Chief of Police's actions hereunder may appeal, in the manner as set forth in subsection (l).

(j) (1) The Chief of Police shall take action upon the application for a parade permit, and provide notice thereof, for applications filed in January within 10 business days after filing of an application, for all other applications within seven business days after the filing thereof or, if any lottery is held, within seven 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 Chief of Police shall act within two business days.

(2) Notice shall be made in writing by mail, fax, or e-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 Chief of Police denies an application for failure to provide sufficient information about the proposed route or the estimated number of participants, he shall specify what additional information must be provided in a new or amended application.

(3) In the event that the Chief of Police fails to take action within the time prescribed in subsection (j)(1) after the date upon which the application was filed, the application shall be deemed approved and the permit deemed granted as to the time, date, location and route as set forth in the application.

(k) When the Chief of Police denies an application for a parade permit, the Chief of Police shall authorize the conduct of a parade 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 parade. An applicant desiring to accept an alternate parade permit shall, within five business days after notice of the action by the Chief of Police, file a written notice of acceptance with the Chief of Police. Where the denial and alternate are based on a conflict between applications for a parade permit, however, the procedures set forth in subsection (h) shall apply.

The Chief of Police is empowered to limit the parade to the sidewalk or to one or more traffic lanes of the street if it is determined that such limited area is capable of accommodating the

number of parade participants or parade units 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.

(l) (1) Any applicant who believes that his application for a permit is wrongfully denied may file an appeal with the Mayor within five business days of the date of notice of the Chief of Police's decision. If no appeal is filed within five business days of the date of notice of the Chief of Police's decision, that decision shall be deemed final.

Upon the filing of such appeal, the Mayor shall cause a hearing to be held within five business days and based upon the evidence contained in the record of such hearing, either affirm or reverse the decision of the Chief of Police.

Any final decision of the Mayor shall be subject to judicial review in accordance with applicable law.

In the event that the Mayor fails to act within two business days of the conclusion of a hearing held under this section, the application for a permit shall be deemed approved and the permit deemed granted as to the date, time, location and route as set forth in the application.

(2) If there is not sufficient time to file the appeal in accordance with the procedure set forth in this subsection, the decision by the Chief of Police shall be deemed a final decision subject to judicial review in accordance with applicable law.

(m) (1) At least one week prior to the scheduled parade, the parade organizer shall submit to the Chief of Police 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 parade units. At least one week prior to the scheduled parade, the parade organizer shall furnish to the Chief of Police documents demonstrating compliance with the insurance requirement set forth in this section, if required.

(2) Where animals will participate or be involved in the parade, the parade coordinator must provide: a veterinarian's certificate of good health 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.

In order to protect the health and safety of the public, Village employees are authorized to inspect animals prior to their use in the parade and to prohibit the use of any animal found to be diseased or unhealthy, or which poses a danger to public health and safety.

(3) The Chief of Police may establish in rules and regulations provisions for the orderly conduct of the parade, including requiring the parade units to proceed at a reasonable pace.



(n) (1) The parade shall last no longer than two hours and 15 minutes, except that where a traditional parade consistently has lasted longer and the Chief of Police 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 Chief of Police after receipt of the parade lineup, where the number and size of the planned parade 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 parade units at the lineup are insufficient to require a two-hour and 15 minute street closing. Once the last unit has started on the parade route, the Department of Public Works will begin cleaning the street, and the Police Department will reopen the street to traffic as street cleaning is completed. Once the last parade 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.

(2) Where the parade permit was limited to the sidewalk or one lane of traffic based on the estimated number of parade participants and parade units, and in the event that the number of participants 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 participants or 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 participants and parade units present.

(o) The Chief of Police, in consultation with other Village departments and agencies, is authorized to promulgate rules and regulations to implement this section.

(p) It shall be unlawful for any person to knowingly interfere with any person or organization lawfully conducting a parade.

(q) Any requirement for an application fee or obtaining insurance provided for in this section shall be waived by the Chief of Police if the application is for an activity protected by the 1st Amendment to the United States Constitution and the requirement would be so financially burdensome that it would preclude the applicant from applying for a parade permit for the proposed activity. An application for a waiver of the application fee or insurance requirement shall be made on a form prescribed by and contain reasonable proof acceptable to, the Chief of Police.

(r) Any person violating any of the provisions of this section, or any of the provisions of the regulations promulgated hereunder, shall be fined not less than \$200.00 nor more than \$1,000.00, or may be subject to incarceration for up to ten days, or both. In addition to any other penalty or fine provided, any person who sells or transfers a permit granted under this section shall be barred from applying for another such permit for a period of three years.

**Section 2**

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

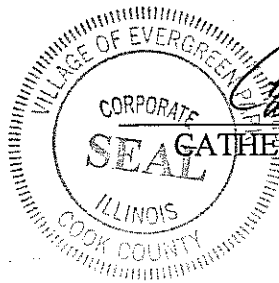
**Section 3**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith.

**Section 4**

This ordinance shall be in full force and effect after passage and approval, it being declared that there is an urgency in the effective date of this ordinance to address pending parades and parade applications. This ordinance is authorized to be published in pamphlet form.

This ordinance was passed and deposited in the office of the Village Clerk of the Village of Evergreen Park this 20 day of May, 2013.



CATHERINE T. APARO, Village Clerk

APPROVED by me this 20  
day of May, 2013.

James J. Sexton  
JAMES J. SEXTON, Mayor

I DO HEREBY CERTIFY that this ordinance was, after its passage and approval, published in pamphlet form by authority of the Village of Evergreen Park, in accordance with law, this 20 day of May, 2013.

Catherine T. Aparo  
CATHERINE T. APARO, Village Clerk