

CITY OF BATAVIA

DATE: July 18, 2018
TO: Committee of the Whole – GS
FROM: Scott A. Haines, Street Superintendent
SUBJECT: Ordinance 18-50: An Ordinance Amending Chapter 1 (Streets and Sidewalks) of Title 7 (Public Ways and Property) of the Batavia Municipal Code

Background

Chapter 1 of Title 7 of the Batavia Municipal Code provides for the regulation of public streets, alleys, sidewalks, and other public ways within the City. Staff has reviewed the chapter and is proposing an amendment to bring the chapter up to date.

Discussion

The current Chapter 1 was reviewed by the Street and Engineering Divisions of Public Works, the Police Department, and legal counsel. A redlined draft is included with this memo.

Staff Recommendation

Highlights of the update include:

- Authorization for temporary closure of a public street for purposes of maintenance or block parties. This is the current practice.
- Clarification of encroachments that may interfere with the use of public ROW or sidewalks including hedges and other plantings.
- Elaboration of barricade requirements, as well as limiting use of the public streets for material storage or staging.
- New restrictions on the use of the parkways for landscaping in lieu of the typical turf grass. It has become increasingly popular for residents to plant the parkway with items that restrict visibility for neighbors backing out of driveways and visibility at intersections.
- Sign and awning requirements and maintenance responsibilities. The proposed changes include a minimum height, requirement for business/building owner to maintain the awning and to remove snow and ice from the awnings, and requirement of a certification of insurance versus a bond. The snow and ice is a problem that exists with nearly all awnings because the snow and ice is removed early from sidewalks and the melting of snow and ice off the awnings can continue for days causing icy conditions on the public walk below.
- Very detailed revision to the Parades, Processions, and Open Air Meetings was put together by the Police Department staff and legal counsel.

Recommended Committee / Council Action

Motion: Approve Ordinance 18-50 amending portions of Title 7 (Public Ways and Property), Chapter 1 (Streets and Sidewalks), of the Batavia Municipal Code

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 18-50**

**AN ORDINANCE AMENDING TITLE 7 (PUBLIC WAYS
AND PROPERTY) CHAPTER 1 (STREETS AND
SIDEWALKS) OF THE BATAVIA MUNICIPAL CODE**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 6TH DAY OF AUGUST, 2018**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 6th day of August, 2018

Prepared by and mail to:

City of Batavia
100 N. Island Ave.
Batavia, IL 60510

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 18-50**

**AN ORDINANCE AMENDING TITLE 7 (PUBLIC WAYS
AND PROPERTY) CHAPTER 1 (STREETS AND
SIDEWALKS) OF THE BATAVIA MUNICIPAL CODE**

WHEREAS, the City of Batavia (“City”) is a municipal corporation duly organized and existing under the laws of the State of Illinois; and

WHEREAS, the public rights-of-way within City limits are used to provide essential public services to City residents and businesses. The public rights-of-way within the City are a limited public resource held by the City for the benefit of its citizens and the City has a custodial duty to ensure that the public rights-of-way are used, repaired and maintained in a manner that best serves the public interest; and

WHEREAS, the City is authorized under the Illinois Municipal Code 65 ILCS 5/1-1-1 *et seq.*, and Illinois law to adopt ordinances pertaining to the public health, safety and welfare; and

WHEREAS, the City is further authorized to adopt the amendments contained herein pursuant to its authority to regulate the public right-of-way under Article 11, Division 80 of the Illinois Municipal Code (65 ILCS 5/11-80-1 *et seq.*);

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Batavia, Kane and DuPage Counties, Illinois as follows:

SECTION 1: The recitals above shall be and are incorporated in this Section 1 as if fully restated herein.

SECTION 2: Title 7 (Public Ways and Property) Chapter 1 (Streets and Sidewalks) of the Batavia Municipal Code is amended to read in its entirety as follows:

CITY OF BATAVIA ILLINOIS ORDINANCE 18-50

SECTION 3: This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 6th day of August, 2018.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 6th day of August, 2018.

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Salvati				
2	Callahan					Wolff				
3	Meitzler					Chanzit				
4	Malay					Stark				
5	Uher					Theлин Atac				
6	Cerone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
VOTE: _____ Ayes _____ Nays _____ Absent _____ Abstention(s) counted as _____										
Total holding office: Mayor and 14 aldermen										

ATTEST:

Ellen Posledni, City Clerk

Chapter 1

STREETS AND SIDEWALKS

7-1-1: SUPERVISION:

7-1-2: PAVING CONSTRUCTION:

7-1-3: DRIVEWAYS:

7-1-4: CONDITION OF STREETS AND SIDEWALKS:

7-1-5: CITY/CITIZEN PARTICIPATION IN MAINTENANCE OF SIDEWALKS:

7-1-6: OBSTRUCTIONS, CLOSURES AND ENCROACHMENTS:

7-1-7: BARRICADES:

7-1-8: DEPOSITS ON STREETS OR SIDEWALKS:

7-1-9: FENCES:

7-1-10: RESTRICTIONS ON USE OF STREETS AND SIDEWALKS:

7-1-11: SIGNS AND AWNINGS:

7-1-12: PARADES, PROCESSIONS AND OPEN AIR MEETINGS:

7-1-13: PENALTY:

7-1-1: SUPERVISION:

All public streets, alleys, sidewalks, parkways and other public ways in the city shall be under the supervision of the Public Works Director or designee. The Public Works Director or designee shall have supervision over all work within the right of way thereon, and the cleaning thereof, and shall be charged with the enforcement of all ordinance provisions relating to such public places (except traffic ordinances)¹ and is authorized to enforce such ordinances.

7-1-2: PAVING CONSTRUCTION:

- A. Permit Required: It shall be unlawful to construct or lay any pavement on any public street, sidewalk, alley or other public way, or to repair the same, without first having secured a permit therefore. Applications for such permits shall be made to the Community Development Department and shall state the location of the intended pavement or repair, the extent thereof, and the person or firm who is to do the actual construction work. Permits may be issued by the Community Development Department with the approval of the designated staff.
- B. Bond and Insurance Certificate Required: The applicant is required to file a bond, with surety to be approved by the city engineer and an insurance certificate, conditioned to indemnify the city for any loss or damage resulting from the work.
- C. Specifications: All street and sidewalk pavements shall be constructed per the City of Batavia specifications.

7-1-3: DRIVEWAYS:

- A. Construction Permit and Fee: It shall be unlawful to construct or maintain any driveway in or across any public sidewalk in the city, or across any parkway, where this necessitates any interference with or change in the grade of any public sidewalk or curb, without having first obtained a permit therefore. Residential properties are limited to one curb cut. Applications for such driveway permits shall state the size, location and material to be used in such driveway; and it shall be unlawful to depart from such specifications.

- B. Curb Cut: Curb cut for driveway approaches shall not exceed twenty two feet (22') in width including a minimum of two foot (2') transitions cut from barrier curb to depressed curb on either side of driveway entrance, unless approved by the city engineer.

Driveway approaches shall not exceed twenty two feet (22') in width at edge of pavement.

Driveway shall not exceed eighteen feet (18') in width at both front and back of sidewalk with garage setbacks less than forty five feet (45') from the garage door to the front property line.

Driveway shall not exceed fourteen feet (14') in width at both the front and back of sidewalk for all garages side load or setbacks greater than forty five feet (45') from the garage door to the front property line.

- C. Maintenance: It shall be the duty of any person maintaining any such driveway to keep the same free from snow and ice or any obstruction and to keep the same in good repair.
- D. Distance From Hydrants and Power/Light Poles: It shall be unlawful to construct any driveway closer than three feet (3') from any fire hydrant. (Ord. 00-25, 4-3-2000)

7-1-4: CONDITION OF STREETS AND SIDEWALKS:

- A. Repairs: All public street, alley, and sidewalk pavements shall be kept in good repair. Such repair work, whether done by the City, contractor or by permit issued by the City, shall be under the supervision of the Superintendent of Streets or designee.
- B. Report Defects: It shall be the duty of every City officer or employee becoming cognizant of any defect in any alley, street or public sidewalk, or any obstruction thereof, to report the same to the Public Works Department as soon as possible.

7-1-5: CITY/CITIZEN PARTICIPATION IN MAINTENANCE OF SIDEWALKS:

- A. Policy: It is hereby declared to be the public policy of the City that, based upon the availability of public funds, to be determined each year by City budget, a program of City and citizen participation in the maintenance of deteriorating sidewalks shall be administered by the Superintendent of Streets.
- B. Requirements: The minimum requirements for operation of said program, said requirements to be supplemented by rules as follows:
 1. Applications shall be furnished for use by residential property owners for replacement of existing sidewalks which are badly deteriorated or broken as per City Standards.
 2. Determination by the City that a particular sidewalk has deteriorated sufficiently to warrant inclusion in this program shall be final, and any citizen desiring to have said sidewalk replaced without City participation shall be responsible for conformance with all City codes and regulations pertaining thereto.
 3. The property owner shall obtain estimates from two (2) bonded concrete contractors for the work to be done, said estimates based upon City standards and specifications. Said estimates shall then be submitted to the City Streets Division of Public Works .

4. The City shall provide written notification of the acceptance or rejection of the low bid, and in the case of the acceptance of a low bid by the City, said written notice will authorize the contractor to proceed with said work on City property. When said work has been completed according to City specifications and has been inspected and approved by the City, the City shall pay fifty percent (50%) of the approved accepted bid, upon receipt of a paid bill from the contractor.

5. In the event a property owner chooses to replace the sidewalk himself, he shall indicate the quantity of concrete required on said application, and if said application is approved, the City shall only pay for fifty percent (50%) of the costs of concrete and only upon completion and approval of said job.

6. The replacement of driveway approaches shall not be included in this program.

7. The sidewalk permit/application and grade shall be obtained from the city prior to construction, and all work shall be inspected by the city prior to the pouring of concrete, and after final restoration and cleanup. (Ord. 90-6, 5-7-1990)

7-1-6: OBSTRUCTIONS, CLOSURES AND ENCROACHMENTS:

A. Streets Or Rights Of Way: It shall be unlawful for any person to cause, create or maintain any obstruction on any street, alley, sidewalk or other public right of way except as may be specifically authorized by the city council or as otherwise herein permitted. The Chief of Police may authorize the closure of public streets and/or alleys and to allow usage of public rights of way in connection with those community events, such as festivals, parades, and farmers' markets approved annually or otherwise by the city council, conditioned upon compliance by the event organizers with rules and regulations set by the city from time to time relating to safety, impact upon the area proposed to be closed, traffic control, barricades and other factors. The Chief of Police or designee may also authorize the temporary closure of a public street for neighborhood block parties. This excludes the authority to apply for permission to utilize state and county roads. The Superintendent of Streets or designee may authorize the temporary closure of a public street and/or alley for maintenance purposes.

B. Drains: It shall be unlawful to obstruct any drain in any public street or alley.

C. Encroachments: It shall be unlawful to construct any building or structure which encroaches upon any public street or property. Hedges, shrubs or other plantings on private property that encroach into the right of way interfere with the use of the public right of way and/or public sidewalks are prohibited.

D. Placement Of Mailboxes; Use Of City Right Of Way:

1. The placement and use of rural-type, freestanding, individual mailboxes at the curb on the City right of way in front of each residence is permitted and recommended.
2. Within a cul-de-sac, said mailboxes may be grouped at the curb, as determined by the residents therein. (Ord. 89-11, 2-20-1989)

3. Wherever these mailboxes are used in the City, the standards for placement of said mailboxes are as follows: the face of the mailbox shall not be more than six inches (6") from the back edge of the curb and the bottom of the mailbox shall not be more than forty inches (40") above the gutter. Residents shall be responsible for placing, replacing and repairing of said mailboxes. The City will not replace or repair any damaged mailbox which is not installed to the aforesaid specifications. The City will replace or repair any properly installed mailbox and/or post damaged by the City, but said cost will in no event exceed fifty dollars (\$50.00). (Ord. 89-11, 2-20-1989; amd. Ord. 92-77, 7-20-1992)
4. The placement of "cluster boxes" for delivery within the City right of way is not permitted in single-family residential zoned areas. (Ord. 89-11, 2-20-1989)

E. Placement Of Basketball Backboards In The City Right Of Way: Placement and use of basketball backboards in the City right of way shall be allowed under the following conditions:

1. Basketball backboards shall only be located in cul-de-sacs, dead-end streets, temporary turn-arounds, and only those in portions thereof which the Superintendent of Streets determines has adequate site distance for traffic and those using the backboards.
2. Only single pole supports shall be allowed, and shall be marked with reflective tape as determined by the Department of Public Works.
3. The backboard may not project beyond the front edge of the curb or beyond the edge of turf or ground area on right of ways with no curbs.
4. The installation of such a structure shall be by permit only, and shall further only be allowed if the Superintendent of Streets determines that placement of same shall not interfere with City utilities.
5. Any permit issued to allow said structure may be revoked upon twenty one (21) days' written notice from the City, in the event the City determines that such removal is necessary for safety reasons, for failure to reasonably maintain the structure, or due to other City use of the right of way, and further contain a provision by which the owner of said structure waives any claim against the City related to same.

7-1-7: BARRICADES:

- A. Required: Any excavation in the right of way by a contractor, firm, or individual is being performed, an adequate amount of type 2 barricade with flashers must be placed around the excavation. No excavations shall ever be left unattended and excavations left overnight will not be permitted without prior approval by the Director of Public Works or designee. Until permanent repairs to any pavement, sidewalk or landscape are completed, barricades must remain in place and shall be maintained by Contractor, firm, or individual to prevent injury to any person or vehicle.
- B. Disturbing Barricades: It shall be unlawful to disturb or interfere with any barricade or lights lawfully placed to protect or mark any new pavement or excavation or opening in any public street, alley, right of way, or sidewalk. (1972 Code § 95.045)

7-1-8: DEPOSITS ON STREETS OR SIDEWALKS:

- A. It shall be unlawful to deposit on any street or public sidewalk any material which may be harmful to the pavement thereof, or any waste material, glass or other articles which may do injury to any person, animal or property. (1972 Code §§ 95.065, 95.070)
- B. Materials may be deposited in street provided such deposit does not reduce the usable width of the roadway at a point less than eighteen feet (18') and is adequately barricaded; provided, that such materials must not damage the pavement and are to be removed in no more than three (3) hours and such materials are removed by hand. The use of a machine to remove materials placed in the street is prohibited because that equipment can damage the pavement.
- C. Any such material shall be adequately guarded by type 2 barricades with flashers if the same remains upon any street after sunset only if authorized by the Public Works Department.

7-1-9: FENCES:

Height Of Certain Fences Controlled:

- 1. Where a fence is erected or a hedge is grown at an intersection of two (2) streets, when the said fence is erected or the hedge is grown or planted within sixty five feet (65') of the intersection of the center lines of the streets meeting in the intersection and/or the triangles created thereby, it shall be illegal for such fence or hedge to be over three feet (3') in height from the ground on which the fence is erected or on which the hedge is grown.

7-1-10: RESTRICTIONS ON USE OF STREETS AND SIDEWALKS:

- A. Private Use: It shall be unlawful for any person to use any street, sidewalk or other public place as space for the display or sale of goods or merchandise without approval of the City Council specifying the location and time of such sales; or to write or mark any signs or advertisements on any such pavements. (1972 Code § 95.050)
- B. Poles And Wires: It shall be unlawful to erect or maintain any poles or wires on or over any public street, alley or other public way without having first secured permission from the City Council. (1972 Code § 95.090)
- C. Planting in the parkway: A homeowner or business owner is permitted to install plantings in front of their home or business provided the following criteria is met:
 - 1. Plants shall not exceed 24" in height and 12" in height within 35' of an intersection measured from edge of pavement.
 - 2. Woody plants and thorned shrubs will not be allowed.
 - 3. Plantings in the parkway must be kept maintained.

4. Homeowner must submit a plan and get approval from the Street Division of Public Works prior to installing the plantings.
5. Failure to comply with the criteria listed will result in notification being sent to homeowner or business owner to comply or return the parkway back to turf grass. Notification shall allow 20 days for compliance. Penalty for non-compliance per Section 7-1-13.

7-1-11: SIGNS AND AWNINGS:

- A. Signs and Awnings to be installed over public sidewalks must be installed at a minimum height of nine (9') feet from the sidewalk surface to the lowest portion of the sign or awning. Said signs and awnings shall be installed only after being issued a permit to do so from the Community Development Department. Building owner, business owner, or person responsible for maintenance of the sign or awning shall also be responsible for removing snow and ice from the sign or awning and public walk.
- B. Certificate of Insurance Required: Building owner, business owner or person responsible for maintaining a sign or awning, shall annually file with the Clerk a certificate of insurance to indemnify the City for any loss, damage or liability that may result from the construction or maintenance of such sign or awning.
- C. Inspections: It shall be the duty of the Building Commissioner or designee to inspect at regular intervals every sign, or awning which extends over any sidewalk, street, alley or other public way.
- D. Penalty: Any person violating this Section shall be fined not more than seven hundred fifty dollars (\$750.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

7-1-12: PARADES, PROCESSIONS AND OPEN AIR MEETINGS:

- A. **Permit Required:** It shall be unlawful for any person, group or organization to conduct, sponsor or take part in any parade, procession, march, assemblage, open air meetings or gathering, other than a funeral procession without first obtaining a permit as provided in this Chapter:
 1. On any public street, alley or other public way ("Public Ways") that will interfere with the free flow of vehicular, bicycle, pedestrian or other traffic on the Public Ways.
 2. On any public property within fifty feet (50') of any Public Way that is likely to interfere with the free flow of vehicular, bicycle, pedestrian or other traffic on the Public Ways. A presumption of interference shall arise if more than one hundred (100) people are expected to assemble.

The word "Event" is used hereafter to refer to any parade, procession, march, assemblage, open air meetings or gathering, regulated by this Chapter.

- B. **Who may apply for permit:** A permit may be obtained by an individual, local business, governmental entity, or non-profit organization that will be responsible for an Event in the City to take place on or interfere with Public Ways in the City if the Event is being

conducted in conjunction with a local or regional community activity or celebration sponsored, promoted, organized or overseen by the City, Batavia School District, Batavia Park District, Batavia MainStreet, Batavia Chamber of Commerce or other local governmental body or community organization, provided that the Event is directly related to the local or regional community activity or celebration and the applying organization complies with all of the provisions of this Chapter.

C. Application:

1. Timing. Application for a permit under this Chapter shall be made in writing to the Chief of Police or designee not less than seven (7) days nor more than thirty (30) days prior to the date upon which the Event is to be held; provided that any application that includes a request to close roads and to route traffic must be filed not less than twenty one (21) days nor more than forty five (45) days prior to the Event.
2. Content. Each application shall state the name, address, phone number and other contact information for the Applicant responsible for the Event; the name, address and phone number of the person managing the Event for the Applicant; the number of expected participants, vehicles, floats, structures and/or other apparatus to be used for the Event; the proposed route or location of the Event and/or placement of the vehicles, floats, structures and/or other apparatus; the date, beginning time and duration of the event; and such other pertinent data as would assist the City in making plans to accommodate the event.

D. Standards for Permit Issuance: The Chief of Police, or designee, shall consider the following factors when determining whether to issue a permit. The Chief of Police or designee may deny a permit if he finds any of the following are true:

1. That the proposed route or location has been reserved for other use on the date and hours requested in the application;
2. That the conduct of the event will substantially interrupt the safe and orderly movement of pedestrian and vehicular traffic at or contiguous to the place where the same is conducted or held without adequate, alternate routing of the vehicular or pedestrian traffic;
3. That the conduct of the event will prevent or unduly interfere with normal fire and police protection in the City, including adverse interference with the movement of emergency vehicles through the City;
4. That the event is not for a lawful purpose and is intended to cause a public disturbance or breach of the peace;
5. That the event is to be held primarily for a commercial purpose, the private profit or benefit of a person, group, or organization conducting or holding the event, or for the primary purpose of advertising a product, goods or service of a person, group or organization;
6. The event will require the diversion of so great a number of police officers of the City in order to oversee the orderly movement of the Event and diversion of traffic along the parade route or at the Event location and in the areas contiguous thereto as to prevent adequate police protection to the remainder of the City;

7. The event will unduly interfere with previously scheduled City functions or the normal pursuit of City activities;
8. Any significant potential danger to the public health, safety and welfare.
9. The area sought for an assemblage, open air meeting or gathering is such that the participants and attendees will assemble closer than twenty feet (20') from an open Public Way located within the City.
10. The time of event is planned to be going on between the hours of 10:00 p.m. and 8:00 a.m. the following day.

E. Issuance, Denial, Alternative Permits: The Chief of Police or designee shall act upon the application within five (5) days after its receipt. No permit will be denied on the basis of the purpose or object of the Event, the entity applying for the Event, the associations of the persons or entities responsible for the Event, the content or purpose of the gathering or expression.

1. If approved, the Chief of Police or designee shall issue a permit that specifies the date, beginning and duration, route and/or location and such other information pertinent to the Event as he shall find necessary and appropriate for the enforcement of this Chapter and to ensure the public health, safety and welfare.
2. If the application is denied, the Chief of Police or designee shall notify the applicant in writing by mail, stating the reasons for the denial of the permit.
3. The Chief of Police or designee, in approving an application for a permit, shall be empowered to authorize the conduct of the event on a date, at a time, over a route, or at a location different from that requested by the applicant and/or upon conditions as are intended to protect the public health, safety and welfare and/or to minimize the undue interference with Public Ways and emergency response within the City. Any alternate permit shall conform to the requirements of this Chapter.

F. Appeal Procedure: Any applicant denied a permit shall have the right to appeal the denial of the permit to the City Council within ten (10) days after receiving written notice of the denial.

G. Revocation of Permit: The Chief of Police or designee shall have the authority to revoke a permit issued pursuant to this Chapter for a violation of the standards for permit issuance, for any violence or threat of violence that occurs during the Event from any participants in the Event, for any breach or threat of breach of the safety of individuals or the public in general during the Event, or for any violation of a provision of this Chapter or violation of the law that threatens the public health, safety or welfare.

H. Rules and Regulations for Parades:

1. All parade sponsoring organizations, parade participants and bystanders must comply with the following parade rules and regulations:
 - a. Vehicles and floats ("Parade Units") must follow a straight course in a slow, cautious and safe manner with no quick starts, quick stops or spinning of tires and no swerving back and forth or reckless driving of any kind;

- b. No persons shall ride on hoods, roofs, trunk lids, window ledges or doorframes of vehicles;
 - c. Persons shall not throw objects of any type from vehicles to any other person;
 - d. No persons shall jump on or off vehicles to distribute any item to any person;
 - e. Any item to be distributed must be preapproved by the Police Department. All items approved for distribution must be handed to observers and bystanders by persons who are walking and who have the items in their possession; no items approved for distribution may be kept on Parade Unit; persons distributing items approved for distribution must walk along with their own group and/or alongside their own Parade Units and must not intrude upon another group's activities or space;
 - f. Parade Units must remain at all times in their assigned order unless specifically directed otherwise by a parade official;
 - g. Parade Units must proceed safely to the end of the parade route and may stop and unload only in the area at the end of the parade route specifically designated for such purposes;
 - h. All Parade Units must keep pace with the Parade Units in front of them;
 - i. All Parade Units must maintain a minimum of three (3) car lengths of space but no more than five (5) car lengths between themselves and the Parade Units in front of them.
2. Any person and/or Parade Units that violates any of the parade rules and regulations may be removed by the Police Department or designated parade official from participation in the parade.
 3. Any person, Parade Units and/or sponsor organization that violates any one or more of the parade rules and regulations may be refused participation in any future parade.
 4. In addition to the rules and regulations set forth above, all persons operating motor vehicles in the parade must observe and comply with the provisions of the Illinois Vehicle Code and local City ordinances.
 5. Traffic citations may be given for violations of state and local traffic laws.

i. Insurance, waiver and indemnification requirements.

No person or organization may organize, sponsor or promote an Event without satisfying all of the following requirements:

1. Sign an agreement to indemnify and hold harmless the City from and against any and all liabilities arising or occurring during or as a result of the event;
2. Obtain and provide insurance for the day of the event naming the City of Batavia, Illinois, as an additional insured in the following minimum amounts:

- a. General liability coverage in the amount of at least one million dollars (\$1,000,000), and
 - b. Automobile liability coverage in the amount of at least five hundred thousand dollars (\$500,000);
3. If Public Ways must be closed in order to allow the Event to progress unimpeded along the intended route, for the safety of the participants and others coming into contact with the Event, or for any other reason, the Applicant shall create a plan with the approval of Police Department for the provision of barriers, signs, and other devices in compliance with applicable local, county and state guidelines, regulations and laws, including the State Manual for Uniform Traffic Control Devices; and
 4. Execute a promise to pay the amount up to one thousand dollars (\$1000.00) to cover the cost of excessive clean-up of debris left as a result of the Event.

7-1-13: PENALTY:

Unless otherwise provided, any person violating any provision of this Chapter shall be fined not more than seven hundred fifty dollars (\$750.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.