

**TITLE 8: PUBLIC WAYS AND PROPERTY
CHAPTER 8: PUBLIC ASSEMBLIES**

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8-8-1: DEFINITIONS

Public Assembly

Any assembly which satisfies any of the following criteria:

- A. A march, demonstration, parade, procession, motorcade, foot race, marathon, walk-a-thon, bicycle race, bicycle tour, bike-a-thon or other similar organized event consisting of persons, animals or vehicles, or a combination thereof, moving upon the public streets or public rights-of-way within the village that interferes with the normal flow or regulation of pedestrian or vehicular traffic upon said streets or rights-of-way.
- B. A meeting, demonstration, picket line, rally or gathering of more than 25 persons for a common purpose as a result of prior planning that interferes with the normal flow or regulation of pedestrian or vehicular traffic or occupies any of the following village properties in a place held open to the general public as an open public forum or public place of assembly:
 - 1. Parkway in front of the Lincolnshire Public Works Facility
 - 2. Parking lot to the south of the Lincolnshire Village Hall
 - 3. North Park
 - 4. Spring Lake
 - 5. Whytegate Park

The term "public assembly" shall not include any of the following:

- A. A block party that has received a permit from the Village of Lincolnshire
- B. A "temporary use" subject to approval by the Board of Trustees pursuant to Title 6 Chapter 3 Section 6 of the Village Code.
- C. Funeral processions.
- D. Students going to and from school classes or participating in

educational activities, provided such conduct is under the immediate direction and supervision of the proper school authorities.

- E. Official activity of officers or employees of a unit of local government, the State, or the United States of America.
- F. Spontaneous events occasioned by contemporaneous news or affairs coming into public knowledge. An event will not be characterized as spontaneous if it occurs more than three (3) days after the news or affair which acts as the motive for the event.
- G. Any event that would be subject to a picnic permit under Title 8, Chapter 1.

Public Assembly Permit A permit required by this Chapter of the Village Code.

Sidewalk Any area or way set aside or open to the general public for the purposes of pedestrian traffic, whether or not it is paved.

Street Any public right-of-way of the village set aside or open to the general public for the purposes of vehicular traffic, including any berm or shoulder, right-of-way or median strip thereof.

8-8-2: PERMIT REQUIRED

No person shall engage in or conduct any public assembly unless a Public Assembly Permit therefor has been issued by the Village Manager.

8-8-3: APPLICATION

A person seeking a Public Assembly Permit shall file an application with the Village Manager on forms provided by such officer and the application shall be signed by the applicant under oath or affirmation.

8-8-4: TIME FOR APPLICATION

- A. For a single, non-recurring public assembly, an application for a Public Assembly Permit shall be filed with the Village Manager at least 72 hours before the public assembly is proposed to commence. The Village Manager may waive the minimum filing period if, after due consideration of the date, time, place and nature of the public assembly, the anticipated number of participants, and the village services required in connection with the event, the Village Manager reasonably determines that the waiver will not present a hazard to public safety.
- B. For public assemblies held on a regular or recurring basis at the same location, an application for a permit covering all such public assemblies during that calendar year may be filed with the Village Manager at least 24 hours but not more than one year before the date and time at which the first such public assembly is proposed to commence. The Village Manager may waive the minimum period after due consideration of the factors specified in subsection (A) of this section.

8-8-5: CONTENTS OF APPLICATION

An application for a Public Assembly Permit shall set forth the following information:

- A. The name, address and telephone number of the person seeking to organize or conduct such public assembly;

- B. The names, addresses, and telephone numbers of the headquarters of the organization(s) for which the public assembly is to be conducted, if any, and the authorized and responsible heads of the organization(s);
- C. The requested date of the public assembly;
- D. The requested route to be traveled, if any, during the public assembly, including the starting point and the termination point;
- E. The hours when such public assembly will start and terminate;
- F. A statement as to whether the public assembly will occupy all or a portion of the width of the streets proposed to be traversed;
- G. The location by street of any assembly areas for such public assembly, and the time at which units or attendees of the public assembly will begin to assemble at any such area;
- H. The intervals of space to be maintained between the units of public assembly, if any, if a parade or similar event;
- I. If the public assembly is intended to be held by, or on behalf of, any person other than the applicant, a letter from that person to the Village Manager authorizing the applicant to apply for the permit on the person's behalf;
- J. The type of public assembly, including a description of activities planned during the event;
- K. A description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the public assembly;
- L. The approximate number of participants in the public assembly (spectators are not participants);
- M. An estimate of the number of spectators expected for the public assembly;
- N. A designation of any public facilities or equipment requested to be utilized for or during the public assembly; and
- O. After review of the application, such additional information that the Village Manager finds reasonably necessary to an objective determination as to whether a permit meets the standards presented in Section 8-8-8.

8-8-6: APPLICATION FEE

There shall be no application fee for a Public Assembly Permit.

8-8-7: POLICE PROTECTION

- A. The Village Manager shall, after consulting with the Police Chief, the Director of Community and Economic Development, and Director of Public Works, or such further or different personnel as the Village Manager shall deem necessary and appropriate, determine whether

and to what extent additional police protection is reasonably necessary for the public assembly for traffic control and public safety. The Village Manager shall base this decision on the size, location, duration, time and date of the public assembly, the number of streets and intersections blocked, and the need to detour or preempt citizen travel and use of the streets and sidewalks. The expressive message or purpose of the event shall not be a factor in determining the amount of police protection necessary. If possible, without disruption of ordinary police services or compromise of public safety, regularly scheduled on-duty personnel will provide police services for the event. If additional police protection for the public assembly is reasonably deemed necessary by the Village Manager, the Village Manager shall so inform the applicant for the permit. The applicant then shall have the duty to secure the police protection deemed necessary by the Chief of Police at the sole expense of the applicant.

- B. Applicants seeking a permit for a public assembly to be conducted for the purpose of engaging in speech protected under the First Amendment shall not be required to pay for any police protection provided by the Village.

8-8-8: STANDARDS FOR ISSUANCE OF PUBLIC ASSEMBLY PERMIT

The Village Manager shall issue a Public Assembly Permit as provided for herein when, from a consideration of the contents of the application and such other information as may be otherwise obtained, the Village Manager reasonably finds that:

- A. The conduct of the public assembly will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;
- B. The concentration of persons, animals, and vehicles at public assembly points of the public assembly will not unduly interfere with proper fire and police protection of, areas contiguous to such public assembly areas;
- C. The conduct of the public assembly is not reasonably likely to cause injury to person or property;
- D. The public assembly is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;
- E. Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas;
- F. There are sufficient parking places near the site of the public assembly to accommodate the number of vehicles reasonably expected;
- G. The applicant has secured the police protection, if any, required under this section;
- H. Such public assembly is not for the primary purpose of advertising any product, goods or event that is primarily for private profit, and the public assembly itself is not primarily for profit. The prohibition against advertising any product, goods or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits or structures used in the public assembly;

- I. No other Public Assembly Permit application for the same time and location is already granted or has been received earlier in time than the pending application, provided that the Village Manager shall consider the expected attendance of each public assembly to determine if the first in time should exclude additional activities;
- J. No other event conducted pursuant to a permit or agreement with the Village has previously been scheduled for the same time and location as the proposed public assembly;
- K. No Public Assembly Permit application for the same time but at another location is already granted or has been received earlier in time than the pending application, and the necessary police resources required for that prior public assembly are so great that, in combination with the subsequent pending application, the resulting deployment of police services or emergency medical services would have an immediate and adverse effect upon the welfare and safety of persons and property within the village;
- L. No event is previously scheduled elsewhere in the Village where the police resources for that event are so great that the deployment of police services for the proposed public assembly would have an immediate and adverse effect upon the welfare and safety of persons and property;
- M. No permit shall be granted that allows for the erection or placement of any structure, whether permanent or temporary, on a village street, sidewalk, or right-of-way unless advance approval for the erection or placement of the structure is obtained from the Village Board.
- N. If the public assembly will take place or proceed onto private property, the applicant must obtain written authorization from the property owner prior to issuance of a Public Assembly Permit.
- O. If the public assembly will impact traffic on county or state highways, the applicant must obtain written authorization from the appropriate highway authority prior to issuance of a Public Assembly Permit.

8-8-9: NON-DISCRIMINATION

The Village Manager shall uniformly consider each application upon its merits and in an objectively reasonable and viewpoint-neutral manner, and shall not discriminate in granting or denying Public Assembly Permits under this article based upon actual or perceived political, religious, ethnic, racial, disability-related, or sexual orientation or gender-related grounds, or based on the content of any speech or expressive conduct protected by the First Amendment.

8-8-10: NOTICE OF DENIAL OF APPLICATION; ALTERNATIVE PERMIT

- A. The Village Manager shall act promptly upon a timely-filed application for a Public Assembly Permit, but in no event shall grant or deny a permit less than 48 hours prior to the event. If the Village Manager disapproves the application, the Village Manager shall notify the applicant of such action, either by personal delivery or certified mail at least 48 hours prior to the scheduled start of the public assembly as requested, and state with specificity the reasons for the denial.

B. Should the Village Manager deny an application for a Public Assembly Permit for a reason enumerated in sections 8-8-8 (I) through (L), inclusive, the Village Manager may, in the written denial, propose for the conduct of the public assembly at a date, time, location or route different from that named by the applicant. An applicant desiring to accept such an alternative permit shall, within five days after notice of the action of the Village Manager, file a written notice of acceptance of the alternative permit with the Village Manager. An alternate Public Assembly Permit shall otherwise conform to the requirements of, and shall have the effect of, a Public Assembly Permit issued under this article.

C. The denial by the Village Manager of an application for a Public Assembly Permit shall be without prejudice to the applicant's submission of amendments to the original application, or the submission of a new application, so as to cure any deficiencies in the initial application. An amendment to a permit application made within 72 hours of filing the application shall relate back to the original filing date for the purposes of establishing the priority of filing, but any amendment filed later than 72 hours shall be treated as a new application.

8-8-11: APPEAL PROCEDURE

A. Any applicant shall have the right to appeal the denial of a Public Assembly Permit to the Village Board. The denied applicant shall make the appeal within five days after receipt of the denial by filing a written notice with the Village Manager.

B. Said notice of appeal shall state with specificity the reasons why the Village Manager erred in interpreting or applying the standards for issuance of a Public Assembly Permit pursuant to this Article. The Village Board shall act upon the appeal at its next-scheduled regular meeting which occurs more than 48 hours following receipt of the notice of appeal by the Village Manager.

C. In considering the appeal, the Village Board shall conduct *de novo* review to determine whether the Village Manager erred in applying the standards for issuance of a permit set forth in this article. The decision of the Village Board shall be made by a majority of those members present and voting. The decision of the Village Board shall be final.

8-8-12: ISSUANCE OF PUBLIC ASSEMBLY PERMIT; NOTICE TO OTHER OFFICIALS

Immediately upon the issuance of a Public Assembly Permit, the Village Manager shall send a copy thereof to the following:

- A. The Chief of Police;
- B. The Director of Community and Economic Development;
- C. The Director of Public Works;
- D. The Village Board.

8-8-13: CONTENTS OF PERMIT

Each Public Assembly Permit shall state the following information:

- A. Name and contact information of organization/organizer;
- B. Date of the event;

- C. Starting and approximate ending time;
- D. Minimum speed of public assembly units, if applicable;
- E. Maximum speed of public assembly units, if applicable;
- F. Maximum interval of space to be maintained between public assembly units, if applicable;
- G. The portions of the streets that may be occupied by the public assembly units, if applicable;
- H. The maximum length of the public assembly in miles or fractions thereof, if applicable; and
- I. The location of any public assembly where attendees or units shall gather; and
- J. Such other information as the Village Manager shall reasonably find necessary to the enforcement of this Chapter.

8-8-14: DUTIES OF PERMITTEE

- A. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.
- B. The public assembly chairperson or other person heading such activity shall carry the Public Assembly Permit upon his person during the conduct of the public assembly.
- C. Supply the Village copies of all permits secured from each public transportation body, the regular routes of whose vehicles will be affected by the route of the proposed Public Assembly.
- D. The permittee shall repair any damage to public property, government signs or the right-of-way caused by the public assembly and remove any garbage, debris or litter caused by the public assembly.

8-8-15: PROHIBITIONS

The following prohibitions shall apply to all Public Assemblies:

- A. It shall be unlawful for any person to knowingly include materially false or misleading information in an application for a Public Assembly Permit or such supporting materials submitted with the application to the Village Manager;
- B. It shall be unlawful for any person to participate in a public assembly if the person knows, or has reason to know, that a permit therefor has not been granted or has been revoked;
- C. It shall be unlawful for any person in charge of, or responsible for the conduct of, a duly permitted public assembly to knowingly fail to comply with the conditions of the permit;
- D. It shall be unlawful for any person to engage in any public assembly activity that would constitute a substantial hazard to the public safety or that would materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property;

- E. It shall be unlawful for any person participating in any public assembly to carry or possess any length of metal, lumber, wood, or similar material for the purpose of displaying a sign, poster, plaque or notice, unless such object is one-fourth inch or less in thickness and two inches or less in width, or if not generally rectangular in shape, such object shall not exceed three-fourths inch in its thickest dimension;
- F. It shall be unlawful for any person to ride, drive or cause to be ridden or driven any animal or any animal-drawn vehicle upon any public street, unless specifically authorized by the permit;
- G. It shall be unlawful for any person to carry a firearm on or into any public gathering or special event conducted on property identified in the public assembly permit.
- H. It shall be unlawful for any person to affix, attach, tie or fasten any sign to any government sign, public property or any tree.

8-8-16: PUBLIC CONDUCT DURING PUBLIC ASSEMBLIES

- A. No person shall unreasonably hamper, obstruct or impede, or interfere with any public assembly or with any person, vehicle or animal participating or used in a public assembly.
- B. No driver of a vehicle shall drive between the vehicles or persons comprising a public assembly when such vehicles or persons are in motion and are conspicuously designated as a parade or public assembly.
- C. The Village Manager shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a public assembly. The Village Manager, or his designee, shall post signs to that effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

8-8-17: REVOCATION OF PERMIT

- A. The Village Manager shall have the authority to revoke a Public Assembly Permit immediately upon reasonable determination of any of the following:
 - 1. That the permit application was granted based on the inclusion by the applicant of materially false and misleading information in the application or supporting materials submitted to the Village Manager, and that the Village Manager relied on said false or misleading information in granting the permit;
 - 2. Violation of the conditions or standards for issuance of the permit as set forth in this article; or
 - 3. When a public emergency arises that is of such a nature that the police resources required for that emergency are so great that deployment of police for the public assembly would have an immediate and adverse effect upon the welfare and safety of persons or property.
- B. As soon as practicable after such revocation occurs, the Village Manager shall notify the permit applicant in writing of the reason or reasons for said revocation, said notice to be sent either by personal delivery or certified mail. A revocation of a permit shall be treated in the same manner as a denial for the purposes of appeal, and shall be subject to appeal in the same manner as provided in section 8-8-11.

8-8-18**PENALTY**

Any person violating any provisions of this chapter shall be subject to the fine set forth in the Comprehensive Fine/Penalty Schedule of the Village Code described in Title 1, Chapter 17.