

25-O-18

AN ORDINANCE

**Amending Title 7, Chapter 1 of the Evanston City Code,
“Public Works Agency”**

**NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EVANSTON, COOK COUNTY, ILLINOIS THAT:**

SECTION 1: Title 7, Chapter 1, “Public Works Agency,” of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

CHAPTER 1 –PUBLIC WORKS AGENCY

7-1-1. – PUBLIC WORKS

- (A) An executive department of the Municipal government of the City is Public Works Agency. This Agency includes the Public Works Director and other divisions.
- (B) *Head of Public Works Agency.* The Public Works Director is the head of the Public Works Agency and has charge of all branches of the Municipal service which are placed under the supervision, direction or control of such Agency, including the streets, alleys, parkways, sidewalks, street lighting, traffic signals, bridges and viaducts, parkway trees and shrubs, parks and athletic fields, City Water Works system, City sewer system, solid waste collection and disposal, and the City Engineer.
- (C) *Public Improvements.* The Public Works Director, subject to the ordinances, grants and powers of the City, has charge of all public improvements commenced, or to be commenced by the City; he/she has authority to regulate and control the manner of using the streets, alleys, highways and public places of the City for the erection and location of utility poles or posts, as authorized by the ordinances or grants of the City, and to determine the location; and to cause the prompt repair of the streets, alleys, highways and public places whenever the same are taken up or altered.
- (D) *Maps and Plats.* The Public Works Director examines all maps and plats for subdivision of land in accord with Title 4, Chapter 11 of this Code, as amended. The Public Works Director is responsible for all maps, plats and records and all matters pertaining to their storage, and he/she will make or direct the making up of all maps and drawings required by this City Code, City ordinances, or ordered by the City Manager or the City Council.

of all maps and drawings required by this City Code, City ordinances, or ordered by the City Manager or the City Council.

- (E) *Authority in Connection With Street Lighting.* The Public Works Director is responsible for the erection, operation and repair of all lamps and lights for lighting the streets, alleys, highways, viaducts, parks, public places and public buildings in the City, to such extent as he/she is so required to by this Code, ordinances, grants or contracts of the City. He/She is also responsible for the erection of all poles and wires and the laying of all pipes and conduits erected or laid by any person for such lighting purposes.

The Public Works Director will, in all respects, see to it that the provisions of all ordinances granting the right to construct and maintain an electric light, heat and power plant in the City and amendments and additions, and of any and all contracts relating to the public lighting of the City are fully and fairly enforced.

- (F) *Removal of Obstructions in Public Places.* Removal of Obstructions in Public Places. The Public Works Director may cause the removal of any article or thing whatsoever which may unlawfully encumber or obstruct any public street, avenue, alley, parkway or place in the City. The person responsible for or causing such obstruction is responsible for all expenses incurred in the removal of said obstruction(s).

7-1-2. - PERMITS.

In all cases where a permit is required to authorize any work to be done in the City pursuant to this Title of this Code, the City Manager, the Public Works Director, or his/her designee is responsible for issuing such permit. Any such permit must comply with all relevant provisions of this Code governing the act or work.

7-1-3. – BLOCK PARTY PERMITS.

- (A) Purpose. The street in the possession of the City are primarily for the use of the public in the ordinary way. However, under proper circumstances, the City Manager or his/her designee may grant a permit for street use, subject to reasonable municipal regulation and control. This Section is enacted to regulate and control the use of streets pursuant to a block party permit, to the end that the health, safety, and general welfare of the public and the good order of the City can be protected.
- (B) Definitions. As used in this Section, the following terms shall have the meanings indicated:

<i>BLOCK PARTY.</i>	A Gathering in a residential district only of abutting neighbors and their relatives and
---------------------	--

	friends within the City street right-of-way or other public thoroughfare which has been temporarily closed for the occasion. Block party permits will only be issued during the periods of May 1 through September 30.
--	--

- (C) Prohibition. No person will encroach upon, occupy, obstruct or encumber any public street or highway, or part thereof, for the purpose of participating in a block party unless authorized to do so in accordance with this Section.
- (D) Application for Permit. A written application for a block party permit by persons or groups desiring the same must be made on a form by the City Manager or his/her designee and will be filed with the City Manager or his/her designee at least ten (10) business days prior to the event. The application must include the following information:
1. The name, physical address, e-mail address, and telephone number of the applicant or applicants. The applicant must be a City resident.
 2. If the proposed street use is to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorizing responsible heads of such organization.
 3. The date and duration of time for which the requested use of the street is proposed to occur. A block party permit will only be issued for one day and must not start earlier than 10:00 a.m. and end no later than 9:00 p.m.
 4. An accurate description of that portion of the street proposed to be used.
 5. Statement verifying that all persons within the affected block have been notified by the applicant of the block party and that no more than three (3) objections to the closing of the street or the proposed activities have been presented to the applicant.
 6. The proposed use, described in detail, for which the block party permit is requested.
- (E) Review by Public Works Director. Before any application for a block party permit is considered by the City Manager or his/her designee, the application must be reviewed by the Public Works Director for his/her recommendation as to the effect that the temporary closing of the street will have on the public safety and traffic movement in the area during the time the street may be closed.
- (F) Mandatory Denial of Street Use Permit. An application for a block party permit shall be denied if:
1. The proposed street use is primarily for private or commercial gain.
 2. The proposed street use would violate any federal or state law or any ordinance of the City.

3. The proposed street use will substantially hinder the movement of police, fire, or emergency vehicles, constituting a risk to persons or property. Permits will only be granted to close non-through streets such as cul-de-sacs and dead-end streets. A permit will not be granted to close a main thoroughfare in the City.
4. The application for a block party permit does not contain the information required in this Section.
5. The application requests a period for the use of the street that would last later than 9:00 P.M.
6. The proposed use could equally be held in a public park or other location.
7. The application may be denied for any other reason or reasons that it is determined that the health, safety, and general welfare of the public cannot be adequately protected and maintained if the permit is granted.

(G) Responsibilities of the Applicant.

1. Acceptance of a permit makes the applicant primarily liable for damages to persons or property cause by reason of the closing. The applicant further agrees to pay an amount sufficient to reimburse the City for any damages done to the street surface, right-of-way or any other cleanup required after the event. The street surface must not be altered in any manner. The City is not liable for any damage caused by the street closing.
2. The applicant is responsible for procurement, placement, and maintenance of barricades used to barricade streets under this Chapter. No block party may commence or continue unless barricades are properly placed and maintained. The applicant acknowledges that under no circumstances will the street or right-of-way be blocked that would prohibit access for emergency vehicles. If a permit is granted, the Public Works Agency will deliver a sufficient number of marked barricades to the address of the applicant. The barricades must be returned to the point of delivery for pickup by the City on the next business day.
3. Music or noise must be kept at a reasonable level so as not to disturb others. Amplified noise or music is prohibited at such block parties.
4. The applicant is responsible for clearing litter and debris from the street after the conclusion of the event.
5. Any damages associated with a block party permit will be invoiced to the applicant.

(H) Termination of Block Party Permit. A block party permit for an event in progress may be terminated by the Police Department if the health, safety, and welfare of the public appears to be endangered by activities generated as a result of the event or the event is in violation of any of the conditions of the permits or City Code of the City of Evanston.

(I) Violations and Penalties. Any person who violates any provision of this Chapter is subject to a fine of five hundred dollars (\$500.00).

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 4: The findings and recitals herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 5: Ordinance 25-O-18 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.


Introduced: April 23, 2018

Approved:

Adopted: May 14, 2018

June 1, 2018

Stephen H. Hagerty
Stephen H. Hagerty, Mayor

Attest: 
Devon Reid, City Clerk

Approved as to form:
Michelle L. Masoncup
Michelle Masoncup, Interim Corporation Counsel