

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
NOVEMBER 4, 2008 AGENDA

| SUBJECT: | TYPE: | SUBMITTED BY: |
|----------------------------------|--|---|
| 2009 Heritage Festival Ordinance | ✓ Resolution Ordinance Motion Discussion Only | Mary Scalzetti Director Community Events |

SYNOPSIS

An ordinance has been prepared to establish the 2009 Heritage Festival.

STRATEGIC PLAN ALIGNMENT

Downers Grove Vision 2022 identified the principles of *Authentic Downtown-The Heart of Our Community* with the supporting objective of *More People Attracted to Downtown-Destination for Residents and Non-residents*.

FISCAL IMPACT

N/A.

UPDATE & RECOMMENDATION

This item was discussed at the October 28, 2008 Workshop. Staff recommends approval on the November 4, 2008 active agenda.

BACKGROUND

The 2009 Heritage Festival, scheduled for June 26-28, 2009, will mark the twenty-eighth year of this Village sponsored event. At its October 2nd meeting, the Community Events Commission reviewed and recommended Council approval of the 2008 Heritage Festival Ordinance.

ATTACHMENTS

2009 Heritage Festival Ordinance

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Community Events **DATE:** November 4, 2008
(Name)

RECOMMENDATION FROM: _____ **FILE REF:** _____
(Board or Department)

NATURE OF ACTION:

STEPS NEEDED TO IMPLEMENT ACTION:

- Ordinance
- Resolution
- Motion
- Other

Motion to Adopt “AN ORDINANCE REGARDING THE 2009 HERITAGE FESTIVAL”, as presented.

SUMMARY OF ITEM:

Adoption of the attached ordinance will establish the procedures for the 2009 Downers Grove Heritage Festival.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____

AN ORDINANCE REGARDING THE 2009 HERITAGE FESTIVAL

WHEREAS, Heritage Festival has been held annually in the Village of Downers Grove; and

WHEREAS, the Heritage Festival has become an important community event providing educational, entertainment, and cultural activities; and

WHEREAS, the Village Council of the Village of Downers Grove has determined that it is necessary and desirable for the Village to continue to participate in Heritage Festival for 2009 and to provide for the necessary entertainment, food, and other services; and

WHEREAS, the annual Downers Grove Heritage Festival celebration is a meaningful and successful event enjoyed by a great many residents; and

WHEREAS, the Village Council has determined that it is in the best interest of the Village that the planning and conduct of the 2009 Heritage Festival be administered by the Community Events Department along with the Community Events Commission subject to the limitations set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Downers Grove as follows:

SECTION 1. 2009 Heritage Festival Established. The Village Council determines that it is necessary and desirable that the Village sponsor a community based event to be known as the 2009 Heritage Festival to be held on June 25, 26, 27 & 28, 2009, which will focus on the benefits and amenities of the Village of Downers Grove.

SECTION 2. Definitions. Words and terms not defined shall have the meaning indicated by common usage or dictionary definition.

1. *Applicant.* Any person, business or other entity which files a proper and complete application for booth space.

2. *Application.* Written request for booth space as part of the 2009 Heritage Festival on forms and pursuant to procedures designated by the Commission.
3. *Booth or Booth Space.* Any area or areas designated by the Commission for retail sales or other activities as part of the 2009 Heritage Festival.
4. *Commission.* The Downers Grove Community Events Commission.
5. *Downtown Business District (DB).* All businesses or organizations that currently rent or own storefronts located in Downtown Downers Grove.
6. *Local Vendor.* Any vendor which, prior to making application to participate in the 2009 Heritage Festival:
 - a. Is registered with the Illinois Department of Revenue for sales tax purposes as being located within the Village of Downers Grove; or,
 - b. If not required to register with the Illinois Department of Revenue for sales tax purposes, is registered with the Illinois Department of Revenue for income tax purposes as being located within the Village of Downers Grove; or,
 - c. If not required to register with the Illinois Department of Revenue for sales tax or income tax purposes, has its primary place for actual conduct of business within the Village of Downers Grove.
7. *Manager.* The Village Manager or designee(s).
8. *Non-Local Vendor.* Any vendor which does not qualify as a local vendor.
9. *Not-for-Profit Organization.*
 - a. An organization registered as not-for-profit with the Illinois Secretary of State or an entity affiliated therewith; and/or
 - b. An organization qualified as tax exempt pursuant to the Internal Revenue Code or an entity affiliated therewith; and/or

- c. A unit of government, such as a school or park district or an entity affiliated therewith.
 - d. A local or state political committee, as that term is defined in the Illinois Election Code, or a local, state, or federal elected official or political candidate.
10. *Product.* Any service, good, merchandise or other item of personal property, including but not limited to food products, which is sold, advertised or promoted by a vendor or a not-for-profit organization.
11. *Supplier.* Any person, business or other entity which has a contract with the Village to provide goods or services for the 2009 Heritage Festival including, but not limited to, entertainment.
12. *Vendor.* Any person, business or other entity which makes application for booth space and is authorized by the Village to sell products at retail or otherwise promote commercial activities, including professional services, as part of the 2009 Heritage Festival. Vendor shall not include a supplier or not-for-profit organization as defined herein.

SECTION 3. Administration. The Community Events Department and the Community Events Commission shall plan, organize and generally oversee the operation of the 2009 Heritage Festival, subject to budget limitations, the provisions of this and all Village ordinances, and such other mandates or directives as may from time to time be given by the Village Council. The Commission may adopt rules and regulations, not inconsistent with the provisions of this ordinance, or any other ordinance or law regarding the conduct of the 2009 Heritage Festival including, but not limited to the following:

- 1. Number and assignment of booth spaces.
- 2. Any fees for booths or other activities.
- 3. Standards for assuring a diverse mix of vendors consistent with the community based nature of the 2009 Heritage Festival.

4. Standards of conduct for vendors, not-for-profit organizations and suppliers consistent with the community based nature of the 2009 Heritage Festival.
5. Deadlines for applications for booth space.
6. Rules and regulations applicable to all participants of the 2009 Heritage Festival including the determination of any fee or fine imposed for a violation of these rules or any State statute or local ordinance.
7. Resource allocation or reallocation, including but not limited to electrical supply.
8. Product diversity and appropriateness in light of the purpose and nature of the 2009 Heritage Festival.

The Village staff, under the overall direction of the Manager, is authorized to take such steps as may be necessary or convenient to conduct the 2009 Heritage Festival in a manner consistent with this and all Village ordinances and the rules of the Commission. During conduct of the 2009 Heritage Festival, the Manager or his designee(s) shall supervise and oversee general operations, and shall have the authority to suspend or terminate any rights or privileges granted to vendors, suppliers or not-for-profit organizations for any violation of this ordinance or applicable rules and regulations, or for activity which is in conflict with the historical and community nature of the 2009 Heritage Festival, which threatens the public health, safety, or welfare, or which threatens a breach of the peace. Where practical, the Manager will endeavor to encourage voluntary compliance with this and all Village ordinances and applicable rules and may consult with vendors, suppliers and not-for-profit organizations to correct any violations. In the event vendor privileges are suspended or terminated under the provisions of this paragraph, the Manager shall submit a written report to the Village Council setting forth the findings and reasons for such actions.

SECTION 4. Supplier Contracts. The Village Manager is authorized and empowered to sign contracts not exceeding \$15,000.00 with suppliers, on behalf of the Village, for the purpose of providing services and materials for the 2009 Heritage Festival. Provided, said contracts shall not, either

individually or in their aggregate, when added to contracts approved by the Village Council, exceed the amount specified in the approved budget for the 2009 Heritage Festival. Village Council approval shall be required for all contracts in excess of \$15,000.00.

SECTION 5. Booth Space Regulations. Vendors and not-for-profit organizations may be granted the privilege of utilizing booth space at the 2009 Heritage Festival. Booth space privileges may be terminated, revoked, rescinded, suspended or altered, at the sole discretion of the Village, for violation of any provision of this ordinance or any rule or regulation of the Commission or lawful directive of the Manager regarding the 2009 Heritage Festival. Booth space users shall be subject to all directives, rules and regulations of the Village, including those promulgated by the Commission, regarding the conduct of the 2009 Heritage Festival. The Village reserves the absolute authority, to the full extent permitted by law, to regulate or terminate any activity that is in violation of this ordinance or any rule of the Commission; or which is in conflict with the historical and community nature of the Festival; or which threatens the public health, safety, or welfare; or which threatens a breach of the peace.

For the safety and convenience of those attending the Festival, and to maintain the orderly movement of the crowd, no person shall sell, display, distribute or exhibit any product, material or other information at the Festival except from an assigned booth space. One booth will be set aside for all non-profit groups or persons who did not apply for booth space but desire to sell, display, distribute or exhibit products or materials at the Festival. Any person who does not comply with this ordinance regarding booth space and the selling, displaying, distributing or exhibiting of any product, material or other information may be in violation of Section 19-47 of the Downers Grove Municipal Code.

SECTION 6. Assignment of Booth Spaces. Local vendors and not-for-profit organizations shall be given preference in allocation and assignment of booth spaces. On or after April 13, 2009, the Commission shall determine a tentative number of booth spaces to be made available to

non-local vendors which shall not exceed 25% of the total anticipated booth spaces. Booth space will be allocated in accordance with the following priority:

1. The prior year's not-for-profit and local commercial participants.
2. New not-for-profit and local commercial applicants and the prior year's non-local commercial applicants with same product.
3. New non-local commercial applicants or prior year's non-local participants with a new product.

All DB Business District participants utilizing their private property are considered on an equal basis.

SECTION 7. The Village of Downers Grove reserves the absolute authority, to the fullest extent permitted by law, to regulate or terminate any activity that is in violation of this and all Village ordinances or State statutes or Rules or Regulations of the Commission; or which is in conflict with the historical and community nature of the Festival; or which threatens the public health, safety and or which threatens a breach of the peace.

SECTION 8. That all ordinances or resolutions, or parts thereof, in conflict with the provisions of this ordinance be and are hereby repealed.

SECTION 9. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:
Published:
Attest: _____
Village Clerk