

PROPOSED LL F – 2018

--Proposed amendment to exhibition law:

DRAFT

Exhibition lighting.

A) As used in this chapter, “exhibition lighting” shall refer to the illumination of an outside area in a residential zone which, either by itself or in conjunction with either music, motion pictures or similar activity or modality, results in twenty or more people coming to the location to view the same on at least three days within a ten day period.

B) Exhibition lighting restrictions.

1. Exhibition lighting may be permitted by the Board of Trustees upon application made by the owner of the subject property after considering:

(a) The public and/or private benefits that will result from the exhibition lighting;

(b) Any annoyance or safety problems that may result from the use of the exhibition lighting; and

(c) The duration of the exhibition lighting.

C. The applicant shall submit a detailed description of the proposed exhibition lighting to the Board of Trustees, who shall consider the request at a duly called meeting of the Board of Trustees. The Board shall render its decision whether to grant a permit for the exhibition lighting request within 31 days of the date of the meeting. A failure by the Board to act on a request within the time allowed shall constitute a denial of the request. In any event, no permit shall be granted unless the applicant can demonstrate to the satisfaction of the Board of Trustees that the issuance of such permit and the use of the premises for such purposes will not cause a fire hazard, health menace, undue traffic congestion, unreasonable interference with the use of the street by pedestrians and parked motor vehicles, and that the activity will not be harmful or hazardous to the health and welfare of the general public in or about the vicinity of such premises.

1) Conditions and fees upon grant: Upon granting a permit, the Board shall impose such restrictions and conditions it deems necessary to insure that the proposed use will not cause a fire hazard, health menace, undue traffic congestion, unreasonable interference with the use of the street by pedestrians and parked motor vehicles, and that the activity will not be harmful or hazardous to the health and welfare of the general public in or about the vicinity of such premises. In any event, every permit granted to conduct, operate or maintain any of the activities referred to herein shall contain a provision requiring that the

exhibition lighting may not be in use until 5:00 PM and shall cease operation no later than 9:00 PM each day that it is in use. A fee of \$100.00 per day for each day the event lighting is in use shall also be required.

a) A notice of the meeting at which the application is to be heard shall be prepared and made by the applicant by certified mail, return receipt requested, to each property within a 200 foot radius of the subject property in accordance with a radius map submitted by the applicant. The applicant shall provide proof of such mailing including the mailing receipts to the Village Administrator reflecting that such mailing was made at least 14 days prior to the date of such meeting.

1) Deposits. At the time of the submission of an application, the applicant shall deposit a sum of \$350.00 with the Village Administrator. Such sum shall be applied to the costs for which the applicant is liable, and in the event that said sum shall be insufficient or become fully expended, the applicant shall deposit such additional sums, from time to time, as may be demanded by the Village, which sums shall be paid within five days of demand; the failure to pay any such sums as herein provided shall be grounds, among any other remedies the Village may have, for the suspension of the application; the amount by which the total deposits exceed the sum for which the applicant is liable shall be refunded within 60 days after the rendering of a decision on the application.

2) Costs. Each applicant shall be liable for and shall pay the costs of the following incurred by the Village as a consequence of the application, and such other costs as are incurred by the Village as a result of its consideration of the application:

(1) Advertising.

(2) Stenographic minutes.

(3) Legal fees and consultants.

3) The failure by an applicant to comply with any of the procedures or filing requirements set forth in this Chapter, or the existence of any outstanding violation against the subject property, shall be grounds for the rejection of the application.

D. Enforcement.

The provisions of this chapter may be enforced by the Code Enforcement Officer or by any law enforcement officer. Where such enforcing officer determines that a violation of this chapter exists, such officer shall give written notice of such violation to the owner and/or occupant of the property on which the violation exists. Each day after service of the notice of violation during which such violation continues shall constitute a separate offense, and no further notice as to the same shall be required.

- a) If a Code Enforcement Officer or any other official within the Village observes a property upon which “exhibition lighting” appears to be in use, the Village Code Enforcement official shall issue an order halting such exhibition lighting until such time as a permit is obtained from the Board of Trustees

- **§ 114-4 Penalties for offenses.**

Any person committing an offense against any provision of this article shall, upon conviction thereof, be punishable as provided in Chapter 1, General Provisions, Article II, Penalties, of the Code of the Village of Flower Hill.