

ORDINANCE NUMBER 11 - 39

**ORDINANCE APPROVING THE TEMPORARY USE
OF PROPERTY LOCATED NORTH OF ROUTE 72 AND
CHRISTINA DRIVE, EAST DUNDEE, ILLINOIS
FOR A MEXICAN RODEO**

WHEREAS, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, Daniel Recalde, an agent of Sunnyside Industries, a lessee of property located at Route 72 and Christina Drive, 951 E. Main, East Dundee, Illinois, has proposed to hold an outdoor Mexican rodeo on the above property on August 27, 2011 on property zoned M-1; and

WHEREAS, Mr. Recalde has represented that this use is temporary and that all vendors and contractors are experienced, licensed and knowledgeable in putting on these type of events; and

WHEREAS, Mr. Recalde has proposed the installation of various temporary structures, lighting, a stage, bleachers and other structures that would comply in all manners with the applicable building and life safety codes of the Village and the County of Kane and the State of Illinois; and

WHEREAS, Mr. Recalde has requested relief from the development standards of the Village contained in §157.147, §157.149 and §157.244, that would otherwise require paved parking, paved driveways, installation of parking lot landscaping, installation of curb and gutters, and installation of parking lot lighting; and

WHEREAS, Mr. Recalde has requested relief from Zoning Code §157.066 which does not allow outdoor amusements as a permitted use in the M-1 Zoning District; and

WHEREAS, the President and Board of Trustees of the Village of East Dundee, having determined that it is in the best interests of the health, safety and welfare of the residents of the Village of East Dundee that the Village Board approve the temporary use of the property located north of Route 72 and east of Route 25, 951 E. Main, East Dundee, Illinois, for a rodeo.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

Section One. That the Village approves of the outdoor amusement as set forth in the application for an outdoor rodeo in the M-1 District described above for an event on August 27, 2011.

Section Two. The proposed temporary structures are to be located substantially as indicated on a site plan to be submitted to the Village of East Dundee and approved, in advance, by the Village Inspector, Village Engineer and Fire Protection District.

Section Three. The Village Board agrees to waive, for the date of August 27, 2011, Village Code provisions that would require:

- A paved/hard surface of the parking lot and access road, pursuant to §157.147 and §157.149,
- Installation of curb and gutter in the parking lot and along the perimeter of the access road, pursuant to §157.244,
- Installation of parking lot lighting, pursuant to §157.149,
- Installation of landscaping within and adjacent to the parking lot, pursuant to 157.149.

Section Four. That the Village approves a temporary use, on August 27, 2011, of an outdoor amusement in an M-1 Zone.

Section Five. All temporary structures, including the bleachers, stage, handicap accessible entrance, the bullpen, the number and location of bathrooms and all other structures must be inspected and approved by the Village Building Inspector prior to the event. Failure to obtain the inspection and approval of the Village Inspector will result in the automatic revocation of the approval herein.

Section Six. As a condition of the approval, the promoter shall obtain all necessary approvals, permits or licenses from the appropriate state, county or local authorities and shall comply with all state, county or local ordinances applicable to the event.

Section Seven. The promoter shall provide a full, accurate and complete accounting of all receipts subject to the Village of East Dundee's amusement tax, sales tax, or any other applicable tax, and allow the Village of East Dundee to inspect the books and records upon request to verify that all taxes owed to the Village are remitted.

Section Eight. As a condition for operation of the rodeo, promoter is required to name the Village as an insured on all insurance policies, and to execute an indemnification agreement in a form acceptable to the Village Attorney prior to the event. Failure to comply with this requirement will result in the automatic revocation of the approval contained herein.

Section Nine. This temporary waiver and approval is valid for the event on 8/27/11 only. The Village Board may, upon written request, extend this approval with all the same conditions, for the event on 9/17/11.

Section Ten. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the validity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section Eleven. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Twelve. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

AYES:

6 - Justices Gorman, Lynam, Miller, VanOstenbridge, Skillicorn

NAYES:

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7 President Bartels

ABSENT:

1 - Trustee Ruffalo

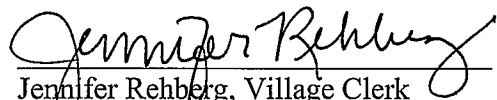
Approved by me this 15th day of August, 2011.

Jerald Bartels
Jerald Bartels, President

Published in pamphlet form this 22nd day of August, 2011, under the authority of the

President and Board of Trustees.

ATTEST:


Jennifer Rehberg, Village Clerk

Recorded in the Village Records on Aug. 22nd, 2011.

