

ZONING, PLANNING & ORDINANCE COMMITTEE
APRIL 7, 2004 - 7:00 P.M.

Chairman Hay called the meeting to order at 7:00 p.m. Committee members present were Aldermen Berg, Dikun, Nolan and Hay. Also present were Chief Mrozek, City Administrator Nelson and a representative from City Attorney's office.

Chamber of Commerce Request to Host Circus at Milky Way Park

Nancy Macy addressed the Finance Committee on behalf of the Chamber of Commerce reference their request to host a Carson & Barnes 5-Ring Circus at Milky Way Park on Friday, September 24, 2004, with shows at 4:30 and 7:30 p.m.

As Host, the Chamber is responsible to provide the following:

- circus show site (ideal site is 600' x 600') plus parking space; actual parking can be handled by the circus or as by local clubs/organizations as a fundraiser
- a 30 cubic yard dumpster
- permission to use a fire hydrant with the hydrant to be flushed 24 hours prior to the show arrival; it is not necessary that the hydrant be on site as the circus has water trucks equipped with fire hoses and a hydrant wrench
- police/fire protection
- temporary license or permit

The circus will provide support of our local economy through the purchase of fuel for 80 vehicles, 500 meals and food for the animals. The circus has their own generator for electricity and provides public, staff and handicapped restrooms. No alcohol or gambling would be allowed. The circus will completely clean up the show site with tear down beginning immediately after the second show, generally completed by 11:30 p.m. The circus is headed out of town by 10 a.m. the next day. Administrator Nelson noted that the circus would have to comply with all the requirements outlined in our code book pertaining to insurance. Additionally, there is a fee to use the park which would include police protection. The Committee discussed the impact the circus could have on AYSO which plays games at Milky Way on Saturday morning. Although the circus tent would not be located on the soccer fields, parking and general congestion could present a conflict. The Committee recommended that the Chamber contact AYSO to determine if they can work around their schedule. The parking lot will only accommodate about 390 cars so additional parking would need to be worked out. Milk Day has made arrangements to use private property east of the park for parking. Dave noted that normal procedure would be to install a meter on the hydrant to charge for water usage. Moved by Berg, seconded by Nolan to recommend to the City Council that a permit be issued according to city ordinances including paying the appropriate fees for the park which includes police protection, with the Chamber to report back to Administrator Nelson prior to the regular City Council Meeting that an agreement has been reached with AYSO. All ayes. Motion approved four to zero.

Curfew Ordinance

Alderman Berg related that a new curfew ordinance is being created in response to the 7th Circuit Court of Appeals decision that curfew laws are unconstitutional. Further, the City is potentially liable for continuing to enforce the current curfew ordinance. The proposed amendment to the curfew ordinance incorporates language that requires a police officer to investigate whether a minor, *in apparent*, violation of the curfew law, is actually engaged in protected 1st Amendment activity. Moved by Berg, seconded by Dikun to recommend to the City Council approval of the proposed ordinance amending Section 26.02, Curfew, of the Harvard Municipal Code, directing the City Attorney to add further language into Section 26.02C, Exceptions. All ayes. Motion approved four to zero.

Moved by Berg, seconded by Dikun to adjourn the meeting. All ayes. Motion carried.

Submitted by:
Chairman Tom Hay