

ORDINANCE NO. 2024-04

ORDINANCE TO REPEAL AND RECREATE ESTABLISHING THE REGULATION AND COST FOR USE OF CITY PROPERTY

The regulation and cost for the use of city property of the City of Loogootee Code of Ordinances is hereby repealed and recreated as follows:

Special events.

Purpose. The City of Loogootee recognizes that special events organized by individuals, private organizations and nonprofits serve an important role in enhancing the City's quality of life and can provide benefits to the community. To treat all persons and groups uniformly, to facilitate the successful staging of these special events and to be mindful of the efficient use of available facilities and resources, the City will commit staff time and facilities to ensure that special events have an overall positive effect upon the community and its resources. The purpose of this section is to provide reasonable restrictions for special events, in order to protect the public health, safety and welfare from the potential adverse effects which may arise from such special events, or the large number of persons attracted to such events upon premises not regularly used for or developed to regularly accommodate such events or gatherings. Such regulations are intended to protect against traffic congestion, the overcrowding of lands, the potential for fires, explosion, riot or disorder or other dangers to persons or property, the diversion of public health, safety and emergency services from regular necessary duties, and the additional cost to the community of providing public services necessary to protect the public health, safety and welfare arising from such temporary special events; and to promote the preservation of public peace and order, the furtherance of sanitation and the safeguarding of the public health.

A. Definitions

1. Applicant — The person or authorized representative of the event organizer who signs an application for a special event and who will be responsible under the permit, if issued, for ensuring that the event will be conducted in accordance with the provisions of this Chapter. Where a purported application is not a legal entity or organization, the applicant will be the individual signing the permit application.
2. City Property — All municipal buildings, parks, athletic fields and complexes, streets, and other rights-of-way, parking lots, and any other property owned, leased or controlled by the City of Loogootee.
3. Extraordinary Services — Reasonable and necessary services provided by the City which specifically result from the special event. Extraordinary services result in measurable financial costs which are above and beyond the normal levels of public health and safety services on a nonevent day. Extraordinary services will normally be those services requiring City employees to be specifically assigned to tasks in support of the special event and/or those services resulting in overtime pay or similar costs which result from the event. Examples of extraordinary services may

include police protection, traffic control, fire monitoring, dedicated paramedic service, parks services, and other services necessary to ensure the protection of participants and citizens, the proper functioning of City services, and the proper administration of this ordinance and policy.

4. Organizer — The applicant and any other individual who assists in the planning arrangement or organization of any Special Event.
5. Special Event — A temporary planned occurrence on public or private property and involves at least one of the circumstances listed below:
 - (a) Produced or sponsored by a person or organization for which the event is extraordinary in that it is not ordinarily conducted on a daily or regular normal average use basis as a lawful use of the premises upon which such event is to occur;
 - (b) Exclusive use of all or part of City-owned facilities, within the City boundaries, such as buildings, parks, open spaces, streets, parking lots, athletic fields, etc., but does not include normal park shelter rentals;
 - (c) Cannot be held completely within the confines of an existing building, park;
 - (d) Will involve the temporary closing of a public street, alley, parking lot or public right-of-way;
 - (e) Will have over 300 people attending the event (or multiple events as part of a series) on private property, except those situations explained in section C of this chapter;
 - (f) Will require extraordinary services by any City Department;

B. Permit required. No person or entity acting as an event organizer shall set up for, hold or conduct a special event as defined in Subsection A within the municipal boundaries of the City of Loogootee without first obtaining a special event permit.

C. Exemptions

1. Funeral processions.
2. Special events for which the sole purpose is to celebrate a federally recognized holiday must comply with the requirements under this ordinance however all fees will be waived and insurance for the event will be provided by the City of Loogootee General Liability Policy.
3. Events organized solely by the City must apply, but all fees are waived.

D. Extraordinary services.

1. In addition to permit and license fees, applicant is responsible for reimbursement of extraordinary services including, but not limited to, personnel services, equipment and facilities provided for the event when municipal services were increased or disrupted because of the event. City Council will approve by resolution each year a list of standard fees and charges by department which will be used to determine the amount of charges attributed to extraordinary services provided to special events by the City. The resolution may provide for standard hourly charges or flat-fee charges for services provided and may specify tasks that may or may not be subject to extraordinary services charges.

2. Applicant is liable for and must pay to the City Clerk the actual cost of all extraordinary services provided by the City. If the special event has more than one person or entity organizer, then each of the organizers are liable to the City for the total amount due, regardless of how the multiple organizers may separately agree to divide these expenses. The costs for extraordinary services charged to event organizers must not exceed the actual costs of providing these services.
3. Prior to any approval of a special event permit, the Police and Fire Departments, along with all other departments potentially affected by the proposed special event, will review the application and report to the City Clerk their respective findings as to an estimate of the costs reasonably expected to be incurred by the City for providing extraordinary services at or for the special event. Department Estimates will be provided to the Clerk's office within 30 days of the Clerk providing notice of the event to the Department Heads. The City will make reasonable efforts to adjust the schedules of employees to minimize the requirement for overtime pay or other costs for extraordinary services where sufficient advanced notice of the event is provided, a minimum of 60 days. The Special Event application is required to provide enough detail to allow the City departments and to determine the level of extraordinary services required and their associated costs for the special event. The estimates provided by City departments will provide enough detail to allow the event organizer to reasonably understand the extraordinary services that are expected to be necessary.
4. The Applicant(s) is required to pay 50% of the estimated extraordinary services prior to the Special Event. An itemized invoice will be sent to the applicant(s) and such amount will be due to the City Clerk on or before 10 business days prior to the Special Event. Failure to pay 50% of the estimated extraordinary services voids the Applicant's Special Event Permit.
5. Final cost incurred for extraordinary services, less the amount of services already paid, will be itemized, invoiced, and mailed to the applicant(s) within 30 days of the conclusion of the Event with net 30-day terms. Failure to pay the final extraordinary services amount will result in future Special Event applications being denied.

E. Regulations.

1. Duration and hours of operation. The duration of any special event must not exceed four consecutive days and any permit issued under this section must specify the days upon which the event shall occur. No special event is to be open to the public except between the hours of 7:00 a.m. and 11:00 p.m. on any day of the week, occurring within the duration of the special event. Such permit must also specify the hours during which pre-event setup and post-event takedown operations may occur and no such operations may be conducted other than as so specified.
2. Maximum attendance. A special event permit will specify the maximum peak number of people to attend the special event. The permit holder must not sell tickets to nor allow the attendance of more people at the special event at any time than as specified in the permit. Any tickets sold or advertisement made prior to the grant of a permit under this section and the satisfaction of all conditions of such permit will include therein in like medium, a statement that "the occurrence of the [special event] remains subject to the approval of the City of Loogootee."
3. Sanitary facilities and potable water. All sanitary facilities and potable water facilities will be provided for the special event by the event organizer.
4. Solid waste. The event organizer is responsible for the holding, collection and disposing of solid waste material.

5. Noise. No permit holder is to permit any sound created by the special event activity to carry unreasonably beyond the boundaries of the special event premises in accordance with Loogootee city ordinance.
6. Fire protection. A permit holder must provide all fire protection applicable to the special event activities and premises as required by Indiana law, including alarms, extinguishing devices, fire lanes and fire escapes.
7. Compliance with other Code provisions. No special event is to occur unless all other necessary State permits, licenses and approvals applicable to the special event activities have been granted and any permit granted under this subsection must be conditioned upon the applicant obtaining all such other licenses, permits and approvals.
8. Application submission. Submission of an application for a Special Event permit is not a guarantee of approval for either the date or location, nor is it automatic approval for the event.

F. Permitting Procedures

1. Filing

- a. Event organizers must complete a special event permit and file the application and associated nonrefundable fee as set forth by the city of Loogootee with the office of the City Clerk. The permit application fee is separate from other fees, licenses and from any requirement to reimburse the City for the actual cost of extraordinary services required for the permitted event or for damage or destruction resulting from the event.
- b. The application must be filed with the City Clerk, on forms provided, no less than 45 days prior to the proposed event including application for all other necessary permits and/or licenses related to the event. If a complete application is not received before the deadline, the application fee will double, and the City may deny the permit. Applicants are encouraged to submit applications as far in advance of an event as possible, but no application shall be accepted more than one year prior to the proposed date of the event.
- c. Applications will be filed in order of their receipt. Special events must comply with all applicable City ordinances and requirements and event organizers must use all reasonable efforts to ensure compliance of participants/attendees with all applicable City ordinances.
- d. Application Contents and Disclosures: The applicant shall submit the Special Event application form which shall set forth the following information:
 - (1) The full name, address, telephone number and email address of the applicant; or if the applicant is an organization, group, or association, the name, address, home and business telephone numbers, and email addresses of the authorized representatives of the organization who will be responsible for the event.
 - (2) The full name, address, telephone number and email address of the event coordinator, if different from the applicant.
 - (3) The nature of the event.
 - (4) The date(s), hours of operation, and hours of set-up and clean-up for the event.
 - (5) The location of the proposed event, including proposed parking locations, and streets to be used, if applicable. Such areas of the city that are available are as follows:
 - i. Loogootee City park
 - ii. Any other area that maybe approved for use after completion of the application review process and final approval by the city of Loogootee.

(6) Mapped routes. All permit applications for special events, including road closures, runs, rides, walks, or parades, shall include a detailed map of the proposed route. Routes for annual events must be submitted with the application regardless of whether previously submitted. Alteration of proposed routes may be made by the City prior to approval of the permit. In the event that the organizers or sponsors of any special event deviate from the route submitted without approval from the City, the organizers or sponsors of such special events may be denied a permit for the following calendar year.

(7) Any plans for fencing the location of the special event and the gates contained in such fence. Include a diagram, subject to change by recommendation of the Police Department and Streets Department; applicant must make arrangements with the appropriate departments for services needed.

(8) The maximum number of persons which the applicant will permit to attend at any time, not to exceed the maximum number which can reasonably assemble at the location of the special event in consideration of the nature of the special event.

(9) If selling or providing food or beverages at the event, the applicant and/or food or beverage vendor must contact the Health Department for food/beverage licensing.

(10) If alcoholic beverages will be sold or served at the event, the event must comply with the requirements laid out by the Indiana Alcohol and Tobacco commission, including but not limited to acquiring a liquor license.

(11) Personal Data. Each organizer must provide personal data information. The Police Chief or designee will review to determine if the applicant(s) pose a risk to the public. Upon receipt of the results of such investigation, the City Clerk will report the findings to the Board of Works.

(12) Food Vendors. A list of all food vendors must be included along with the vendor's contact information, and applicable permits. A final list of food vendors must be submitted to the City Clerk 10 business days prior to the event.

(13) Transient Merchants. A list of all merchandise vendors must be included along with contact information and applicable permit. A final list of transient merchants must be submitted to the City Clerk 10 business days prior to the event.

(14) Amusement Rides. A list of all Amusement rides to be at the special must be included along with contact information along with the appropriate permit from the Indiana Department of Homeland Security. A final list of Amusement rides must be submitted to the City Clerk 10 business days before the event.

(15) Health, Safety and Security. - Applicants must submit an Emergency Action Plan. The plan will include response to Fire, Medical, Severe Weather, Lost Child, Crowd Control, Pedestrian Safety, and other emergency situations. Applicants must submit a list of the legal names of all employees, volunteers, and hired/volunteer entertainers who are responsible for the supervision or care of minors, or whose duties would require close contact and/or alone time with minors at the event. The Applicant will verify that names on the list have been checked against the online national sex offender public website and disqualify anyone who is listed in the registry. The verified list must be submitted to the City Clerk no later than 10 days before the event.

15) If the event involves any show or exhibition of animals, all appropriate permits must be obtained from the State of Indiana. A verified list along with copies of the appropriate events must be submitted no later than 10 days before the event.

16) If applying for use of the city's stage/trailer the applicant shall be required to pay an eight hundred dollar (\$800.00) user fee. The fee shall be paid at least 30 days before the event.

b. No application shall be accepted as filed until the City Clerk's Office determines that the information in the application is complete and sufficient for filing purposes as required under this Subsection F. Upon filing, the City Clerk's Office will distribute copies of the application to the Police, Fire, Health, Street and Recreation Departments and other departments.

c. Review: The City's review of any permit application and/or its subsequent issuance of a permit will not be construed as acceptance by the City or its representatives of any liability or responsibility for any injury or damage relating to the special event. Special event permits are temporary in nature and do not vest any permanent rights.

6. Approval or denial of application. Applications for Special Event permits will be processed in the order of their receipt.

i. Upon receiving an application for a Special Events permit, the City Clerk will forward the application to the City Departments for review. The City Departments may schedule a meeting or meetings involving the applicant and any of the other affected City departments. The purpose of the meeting will be to discuss the Special Event and its potential impacts, the City services requested, and the City services which may be required. Such a meeting will be held as soon as practical after the application has been submitted.

ii. As soon as practical after the Special Event permit application is submitted, the City Clerk will present the Special Event Application, estimated Extraordinary Fees and supporting documents to the Public Board of Works for review. After reviewing, the Public Board of Works will move to approve, conditionally approve or deny the application.

iii. Public Board of Works may consult with City departments as necessary and consider any other such information obtained by or provided prior to acting on the application.

iv. The Public Board of Works will approve all special event applications submitted to them, unless by a simple majority of the vote the members vote to deny the permit.

v. The Public Board of Works may deny an application for a permit if the applicant has on prior occasions made material misrepresentations regarding the nature or scope of any event or activity previously permitted, has held prior special events without proper permitting or licensing, or has violated the terms of a prior permit issued to or on behalf the applicant. A permit may be denied, or conditions placed thereon, based upon considerations of the health, safety, and welfare of the community, and of the anticipated costs of holding such an event. Additionally, the Board of Works may base their decision on one or more of the following grounds:

- (1) The application is not fully completed and/or fails to include necessary attachments;
- (2) The applicant asserts that they cannot or will not pay the application fee.
- (3) The applicant asserts that they cannot or will not pay the cost for Extraordinary Services.
- (4) The application for permit contains misleading statements, material falsehoods, or misrepresentations;

- (5) The applicant is not legally competent to sign a contract, or to be held responsible for its actions;
- (6) The applicant has, on prior occasions, been required to pay for extraordinary expenses or damages to City property and has not paid in full for such expenses or damages;
- (7) A special event permit application for the same time and place, or utilizing extraordinary City resources, has previously been received, and a permit for such previous application has been or will be granted which will authorize uses or activities which does not reasonably permit the multiple occupancy of City facilities or would result in a utilization of City resources which would adversely affect the health, safety, and welfare of the community;
- (8) The special event use or activities intended by the applicant would conflict with previously planned events and programs which have been organized by others either through the use of City facilities or the unavailability of sufficient City resources for the proposed event;
- (9) The conduct of the proposed special event will likely substantially interrupt normal flow of vehicular and/or pedestrian traffic in the proposed location and cannot be reasonably accommodated by the City;
- (10) The proposed special event is of such a size or nature requiring the diversion of so great a number of police officers or other emergency services as to deny reasonable emergency services to the City as a whole;
- (11) The intended Special Event use or activity would present a grave or unreasonable danger to the health or safety of the persons expected to participate in the event, the neighborhood in which the event will occur, the community as a whole, or City property and resources required to be involved with the proposed event;
- (12) The number of persons expected to participate in the Special Event would result in a concentration of persons, vehicles, or things which cannot be supported at the requested time or location due to a lack of sufficient open area, streets, offsite parking, or traffic controls;
- (13) Activities reasonably expected to occur at the intended Special Event are prohibited by law;
- (14) Upon receipt of the results of the investigation from the Police Chief deeming the applicant(s) a risk to the public.
- (15) Issuance. The Public Board of Works will approve or deny special event permit applications and place conditions upon any permit. Applicants will be notified of the decision within 10 business days.

G. Indemnity. The special event permit application will contain a statement that: "The applicant agrees to indemnify and hold harmless the City from and against all liabilities, claims, demands, judgments, losses and all suits at law or in equity, costs and expenses, including reasonable attorney fees, for injury or death of any person or loss or damage to the property of any person, firm, organization or corporation, arising in any way as a consequence of the granting of a permit for a special event." No permit may be issued unless the applicant has agreed to the terms of this statement on the written application.

H. Insurance. Each applicant for a special event permit that includes at least one of the following: alcohol, more than 200 people per day or involves a road closure must furnish to the City, no later than 10 days prior to the special event, a certificate of insurance written by a company licensed in the State of Indiana, approved by the City Attorney and covering any and all liability or obligations which may result from the operations by the applicant's employees, agents, contractors or subcontractors. The certificate must provide that the company will furnish the City with a ten-day prior written notice of cancellation,

nonrenewal or material change. The insurance must be written in comprehensive form and must protect the applicant and City against claims arising from injuries to members of the public or damage to property of others arising out of any act or omission of the applicant, its employees, agents, contractors and subcontractors. The policy of insurance must provide minimum combined single limits for bodily injury and property damage of at least \$1,000,000 per person/aggregate.

- I. Event cancellation. The Mayor, or in his absence the Police Chief and Fire Chief jointly, may cancel a special event, regardless of whether or not a permit has been issued, without prior notice for any significant change in conditions which would or may adversely affect the public health or safety of the community, such as Act of God, War or pandemic, or if applicant's proposed activities would place facilities, grounds, or other natural resources at risk of damage or destruction if the event were permitted to take place.
- J. Appeal of application denial or modification. Any applicant who has been denied a special event permit or has been granted a permit which has been modified may seek review of the decision by the City Council by filing a request for review of the denial with the City Clerk within 30 days of the Public Board of Works decision.
- K.- Enforcement. Any person who violates any provision of this section or who violates any condition upon which a special event permit is granted will be subject to a forfeiture of not less than \$500 nor more than \$1,000. Each day of violation will be considered a separate offense. In addition, the City may enforce this section by way of injunctive relief and all other remedies available at law and in equity.


PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF LOOGOOTEE, INDIANA,
THIS 10TH DAY OF JUNE, 2024

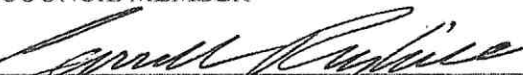

BRIAN ADER, MAYOR


COUNCIL MEMBER


COUNCIL MEMBER


COUNCIL MEMBER


COUNCIL MEMBER


COUNCIL MEMBER

ATTEST 
CLERK-TREASURER