

## **ORDINANCE NO. 2025- 1**

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

Whereas, the City of Loogootee passed Ordinance number 2024- 1, to repeal and recreate establishing the regulation and cost for the use of city property, hereby amends said ordinance as follows:

Section A-3 shall be amended to include the following additional language. Extraordinary services shall not include the services the City determines are necessary as a result of the reaction of others to the special event or to prevent the disruption of or interference with a special event.

Section A-5a shall be amended to include the following additional language, “And which will have at least fifteen (15) people attending the event.”

Section C-2 paragraph shall be stricken from the ordinance.

Section D-3 shall include the additional language, “The estimates of the cost for providing extraordinary services shall not include the cost for personnel and equipment the City determines are necessary as a result of the reaction of others to the special event or to prevent disruption or interference with the special event.”

Section F-1d(5) shall be amended to read as follows, “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. The Loogootee City Park; or
- ii. the Green Space Area located in downtown Loogootee.

An applicant may choose either location so long as the anticipated size of the event does not create an unsafe environment for the attendees of the event. If both locations cannot safely contain the number of expected attendees and vendors, the Green Space Area shall be used along with streets around or near said Green Space sufficient to conduct the event safely.

In determining whether the size of an event will exceed the space available in either or both locations, and in determining how many streets must be closed to safely conduct the event, the Board of Works will consider the following:

- (a). The most significant and compelling evidence of the size of a proposed event is the number of attendees and vendors of prior years of that event;

(b). Other information from the applicant, including proposed changes and additions to the event may be considered, but such information must be more than speculation about the growth of the event.

Section F-1d(11) shall be amended to remove the word "Organizer" and replace with the word "Applicant."

Section F-1d(15) "Health, Safety, and Security" paragraph shall be stricken

.Section 6 "Approval or Denial of Application "(v.) shall now read "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 of the applicant. Additionally, the Board of Works may deny an application for permit on one or more of the following grounds:

Section 6 "Approval or Denial of Application" (v.) 15 shall read as follows "Issuance. The Public Board of Works will approve or deny special event permit applications within forty-five (45) days and place conditions upon any permit. The applicant will be notified of the decision within ten (10) business days.

Section G shall be amended to read as follows "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 out of or resulting from any act or omission on the part of the applicant relating to the applicant's use of the premises; any failure by applicant to maintain the premises and any areas adjacent thereto in applicant's use and control; or applicant's failure to follow the terms of the permit or federal or state law." No permit may be issued unless the applicant has agreed to the terms of this statement on the written application.


Section I the following additional language shall be added. "A significant change of circumstances does not include the anticipated reaction of others to the special event."

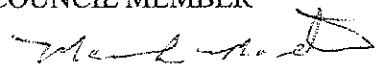
PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF LOOGOOTEE,  
INDIANA, THIS DAY OF January 13, 2025.


  
BRIAN ADER, MAYOR

  
COUNCIL MEMBER

  
COUNCIL MEMBER

  
COUNCIL MEMBER

  
COUNCIL MEMBER

  
COUNCIL MEMBER

ATTEST:   
CLERK-TREASURER