

CITY OF OTTERTAIL SPECIAL EVENTS POLICY

PURPOSE: The following policy sets forth the procedure for the time, place and manner of holding certain special events on City streets, on City property and on private property when an event's impact upon the health, fire, law enforcement, transportation or other services exceeds those regularly provided to that property.

This policy is enacted in order to promote the health, safety and welfare of all residents and visitors of the City by ensuring that special events do not create disturbances, become nuisances, menace or threaten life, health and property, disrupt traffic or threaten or damage private or public property. It is not the intent of the City Council by enacting this policy to regulate in any manner the content of speech or infringe upon the right to assemble, except for regulating the time, place and manner of speech and assembly and this policy should not be interpreted or construed otherwise.

SPECIAL EVENT: is any festival, rally, street dance, sports event or other attended outdoor gathering, entertainment or celebration that is to be held in whole or in part upon publicly owned property or public right-of-way, or, if held wholly upon private property, will affect or impact the ordinary and normal use by the general public of public property or public rights-of-way within the vicinity of the event.

Permit Required. Any person or organization desiring to conduct or sponsor a special event in the City shall first obtain a special event permit from the City.

Permit Application. Any person or organization desiring to sponsor a special event must apply to the City for a special event permit. The special event permit application must be filed not less thirty days in advance of the date in which the event is to occur if the special event requires the closure of any street, any detouring of traffic or any significant impact on City services.

Application Information. Special event applications must include the following information:

- a) Description of the event and list of all activities to take place; whether food or alcohol is being served or sold; admission fees/camping etc;
- b) Name of the applicant or sponsor with contact information.
- c) Proposed date(s) of the special event, together with the beginning and ending times for each date;
- d) Proposed location of the special event;
- e) Any public health plans, including supplying water to the site, solid waste collection and provision of toilet facilities;
- f) Assistance requested from any city departments;
- g) Liability Information if required with agency and contact.
- h) Signature of the applicant.

Permit Review. The City Clerk, by authority of the Council, shall review the permit application and make a determination on whether to issue the permit or request for further Council review.

Permit Denial. The City Council may deny an application for a special event permit if it determines from a consideration of the application or other pertinent information, that:

- a) The applicant fails to supply information requested after having been notified by the City Clerk of additional information or documents needed;
- b) The applicant fails to agree to abide or comply with all of the conditions and terms of the special event permit;
- c) Another special event permit application has already been approved to hold another special event at the same time and place requested by the applicant.
- d) The location of the special event would cause undue hardship for adjacent businesses or residents;
- e) The special event would endanger public safety or health;
- f) The special event would seriously inconvenience the general public's use of public property, services or facilities;
- g) The applicant fails to comply with the liability insurance requirements or the applicant's insurance lapses or is canceled;
- h) The special event would create or constitute a public nuisance, or be likely to cause significant damage to public property or facilities;
- i) The special event would engage in or encourage participants to engage in illegal acts.

Permit Conditions. The City Council may condition the issuance of a special event permit by imposing reasonable conditions concerning the time, place and manner of the special event, and such conditions are necessary to protect the safety of persons and property, and the control of traffic; provided that such conditions shall not unreasonably restrict the right of free speech. Such conditions may include, but are not limited to:

- a) Alteration of the date(s), time(s), route or location of the special event proposed;
- b) Requirements for the use of City personnel and equipment;
- c) Requirements for the provision of first aid or sanitary facilities at the special event;
- d) Requirements for the use of garbage containers and the cleanup and restoration of any public property;
- e) Restrictions on the use of amplified sound and compliance with noise ordinances, regulations and laws;
- f) Requirements to provide notice of the special event to surrounding property owners; and
- g) Restrictions on the sale or consumption of food and alcohol including licensing.

Permit Issuance. The City Clerk shall issue the special events permit once the application has been approved and the applicant has agreed to comply with the terms and conditions of the permit as well as the requirements and restrictions as outlined by the council.

Indemnification Agreement. If the event, or any portion of the event is to be held on City property or right-of-way, prior to the issuance of a special event permit, the permit applicant and authorizing officer of the sponsoring organization, if any, must sign an agreement to indemnify, defend and hold the City, its officials, employees and agents harmless from any claim that arises in whole or in part out of the special event, except any claims arising solely out of the negligent acts or omissions of the City, its officials, employees and agents.

Insurance Requirements.

The following categories are established by the council to determine the liability risk involved for the city in any event scheduled when there is use of city property (buildings and grounds). Clerk may request additional information regarding the insurability of the event and/or event sponsors.

Low Risk: Indoor and/or Outdoor activities that guarantee a minimum risk to the City of Ottertail. Organizers are required to sign a release and indemnification agreement with the City

High Risk: Outdoor activities involving motorized equipment, vehicles, animals or activity which would create a medium to high liability risk for the City.

- 1) Low Risk. Event that are categorized as low risk are not subject to general liability insurance as determined by the City. If desired, organizers have the opportunity to purchase low cost liability insurance through Tenant Use Liability Insurance Program (TULIP) available from the League of Minnesota Insurance Trust. Interested organizers would need to contact City Clerk for events that are eligible for this type of liability insurance and an estimate of cost. Organizers deal directly with provider.

- 2) High Risk. General liability insurance is required. The applicant or sponsor of a special event must be required to possess or obtain commercial general liability insurance policy in the amount of \$1,000,000.00 or as determined by the City to protect against loss from liability imposed by law for damages on account of bodily injury or property damage arising from the special event when the event is considered High-Risk. A certificate of insurance will be required to be filed with the City prior to issuance of the special events permit. The certificate of insurance must name the City, its officials, employees and agents as additional insureds. Insurance coverage must be maintained for the duration of the special event.

- 3) Alcohol Liability Insurance. If alcoholic beverages are to be sold or distributed at any special event, an alcohol certificate of insurance is required. Any General Liability Insurance would include an endorsement for liquor liability Additional endorsements depending upon the type of special event and proposed activities may be required.

Revocation of Permit. Any permit issued may be revoked by a law enforcement officer or by any person appointed by the council at any time when, by reason of disaster, public calamity, riot or other emergency, the law enforcement officer or other person appointed by the council determines that the safety of the public or property requires such revocation. The city clerk may revoke any special event permit issued pursuant to this policy if he or she finds that the permit has been issued based upon false information or when the permittee exceeds the scope of the permit. Notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or certified mail at the address specified by the permittee in its application.

Adopted this 17th day of April, 2011

Myron Lueders, Mayor

Attest:

Elaine Hanson, Clerk-Treasurer