

TOWN OF ALBION

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Gateway to Chain O' Lakes State Park



Ordinance NO. 2021-04 SPECIAL EVENTS POLICY

PURPOSE AND INTENT:

To establish policies and procedures for the processing of special events permits so that public health and safety are protected without unnecessary delays for the applicant with good communication, and coordination among affected Town Departments, and Agencies.

POLICY:

State Law, and Town Ordinances regulate the use of real property in the Town. Generally, these laws/ordinances establish both the structures that may be constructed on land, and the activities that may be conducted thereon. The Town receives requests to allow activities, and occasionally structures, on a temporary basis. The Town has an interest in allowing certain types of conditionally allowed uses on a temporary basis. Some of these types of uses may allow private individuals, businesses, or not-for-profit organizations to hold special events which may temporarily alter the character of a particular area.

DEFINITIONS

“Special Events” means the following:

1. Any organized formation, parade, procession, or assemblage consisting of persons, animals, vehicles, or any combination thereof, traveling in unison, and with a common purpose upon any public street, highway, alley, sidewalk, or other public way which does not comply with normal, and usual traffic regulations, or controls; or
2. Any other organized activity, or set of activities conducted by an individual, group, or entity for a common, or collective use of public land, or public facilities, and the possible, or necessary provisions of city services ancillary thereto.

“Special Events” include any short term event which is to be conducted on public property, or on a public right-of-way, or which would significantly impact public streets, or rights-of-way near the event; or which would significantly impact the need for Town provided emergency services, such as police, fire, or medical aid. Special events might include, but are not limited to, fun-runs, roadway foot races, fund-raising walks, auctions, bike-a-thons, parades, carnivals, shows, or inhabitations, filming/movie events, circuses, block parties, and fairs.

“Special Events protected under the First, and Fourteenth Amendments” include any event involving political, or religious activity intended primarily for the communication, or expression of ideas.

One Day Event: Events on significantly impacting public property, public facilities, or public services, and lasting no more than 24 hours.

Multi-Day Event: Events on, or significantly impacting public property, public facilities, or public services, and lasting more than 24 hours.

Public Open Space: Town of Albion streets, alley’s, sidewalks, public squares, and public parking lots.

Representative: The person designated by the event organizers as the prime person responsible for the event.

Community Group: A Community Group shall mean a local non-profit organization that supports a broad range of community service; membership of the group is open, and available to any city, or county resident. The purpose of the group will enrich the livability of the Town of Albion community; the group is not a registered political party.

Non-Profit Organization: Any organization that is a registered not-for-profit society.

Public Agency: Any governmental agency that operates on a not-for-profit basis.

Commercial: Any organization that operates on a for-profit basis

Event Organizer: The organization producing the event.

Charitable Collection: Events held with the intent of collecting funds for a local charitable organization, lasting four hours or less, and involving the use of public streets, or sidewalks, but with no public manpower costs.

PERMIT REQUIREMENT

No person, or organization shall conduct a special event on public property unless such person, or organization first obtains, and continues to maintain in full force, and effect, a special event permit for such special event.

Events to be held on public property shall be limited in scope to activities which do not detrimentally impact the community. The Town Council will evaluate the potential impacts of a proposed event. Factors shall include, without limitation, the following:

1. Impacts on Noise
2. Impacts on Traffic
3. Impacts on Parking

4. Impacts on General Environment

The Town Council will not consider as a factor the content of any constitutionally protected speech at the event, unless there is a threat of immediate harm to person, or property.

COST

After review of the town manager, town departments, and town council, the Town of Albion will notify the permit applicant of any charges that must be paid by the applicant prior to the event.

These charges will help to defray the cost of town staffing, labor, and services required by the event. The charge for a one-day special event permit is \$100, and the charge for a multi-day permit is \$250. Funds must be received by the Town of Albion at least (2) business days in advance of the event.

Typical charges will include, but are not limited to, police, fire, or EMS coverage, street closings, access to town electric system, trash removal, street cleanup, and access to Public Address system.

There will be no charge for charitable collection event permits, and not-for-profits are exempt from the fee. However, the Town requests recognition for an in-kind donation in the amount of the waived permit fee.

EVENTS HELD IN TOWN PARKS

Any events planned to be held in any of the Town Public Parks outside of normal activities shall be required to have prior written approval from the Park Board before making application to the Town. Pavilion rentals, and camping sites are not included in this policy, but are subject to Town Parks and Recreation policy, and fees.

EVENTS HELD AT FIRE STATION

Any events planned to be held in, or on the property of the Albion Fire Department outside of normal departmental activities shall be required to have prior written approval from the Fire Chief before making application to the Town. Rental of the Fire Station, or any equipment from the Fire Department are not included in this policy, but are subject to Albion Fire Department policy, and fees; and will be reported to the Town Administration upon approval by the Fire Chief.

EVENTS HELD IN/ON PRIVATE PROPERTY NOT OWNED BY APPLICANT

Any event planned to be held in, or on private property not owned by applicant/organizer shall be required to have prior written approval from the property owner before making application to the Town.

PERMIT PROCEDURE

A person, or persons wishing to hold a special event must file a Special Event Permit application with the Town at least thirty (30) days prior to the date of the proposed event.

Notwithstanding the preceding, the Town may accept a special event permit application less than 30 days in advance if the Town determines (in his, or her sole discretion) that there is adequate time for review of the application and the event does not impact multiple town departments. Any applicable permit fees will be due at the time of the application, however if the application is denied the Town will refund the application fee in full to the applicant.

A Special Event Permit application shall be on a form provided by the Town (see attachment). At a minimum, the application shall contain the following information:

1. The name of the special event organizer, and the organizer's contact person (if different);
2. A list of the special event permits requested by the organizer in the previous 12 months'
3. A detailed description of the proposed special event (including the hours it is to be conducted);
4. The location of the proposed special event;
5. A precise diagram of the venue area and floor plan (if applicable) for the proposed special event;
6. A description of any special equipment, or temporary buildings and structures, including, but not limited to, tents, stages, "bounce machines," and vendor's booths, and their estimated delivery, and setup times;
7. The anticipated number of workers, participants, and spectators at the proposed special event;
8. A traffic control plan (including any necessary directional devices, and street closures) for the proposed special event.
9. Water facilities, and sanitary measures (including toilets, and trash containers) for the proposed special event;
10. A collection, recycling, and disposal plan for garbage generated by the event;
11. A description of an arrangement to provide adequate parking for the people attending the event;
12. Security measures for the special event.

The Town may waive any of the above items if they find them inapplicable to the proposed event.

INSURANCE REQUIREMENTS

The requirements of this paragraph shall be a condition of approval for any special event permit for a special event on Town-owned property. As a condition of permit approval, the special event permit holder shall obtain insurance, as required by the Town as set forth in this paragraph. The permit holder shall provide the Town with an endorsement showing that the Town has been added as an additional insured to the required insurance. The permit holder shall also sign an indemnification clause agreeing to defend, and hold the Town of Albion, its officers, agents, employees, and volunteers, harmless from any claims, liabilities, losses, or expenses arising from the special event. The permit holder shall submit the documents required by this paragraph no later than (10) Ten Business Days prior to the special event.

ALCOHOLIC BEVERAGES

In the case where an, “alcoholic beverage,” as that term is defined by the Indiana Alcoholic Beverage Commission, will be served, and/or sold at the special event, the Town Marshall in conjunction with the Town Council shall be satisfied that appropriate security measures are being taken, and the special event permit holder shall obtain a permit from the State of Indiana Alcohol, and Beverage Commission.

PROCEDURE FOR REVIEW

The Town Manager, upon receiving an application for a special event shall do the following prior to issuance of the permit:

1. Consult with Town Department Heads on the request, and solicit their input;
2. Request any additional information from the applicant, and impose any restrictions that he, or she considers necessary, or appropriate to evaluate the event’s potential impacts on the community.
3. Place on the Town Council agenda the permit application for review, and comment at a regularly scheduled Council Meeting on the 2nd, and 4th Tuesdays of the month.

For events with the potential substantial impacts on the community, the Town Council may:

- Require notification of business owners, and/or residents of properties within the proximity to the proposed venue of the proposed request in order to solicit written, or oral comments on the proposed event; and/or place a public notice in the Town Newspaper

DECISIONS ON APPLICATION AND APPEAL OF DECISION

Within (20) Twenty Days of receipt of an application, the Town Council shall advise the applicant in writing of the decision that either approves the request, conditionally approves the request, seeks additional information, or denies the request with the reasons for denial stated.

The Town Council’s decision shall be final unless the applicant files a written appeal, with payment of applicable fees, within (10) Ten Days of the decision.

In the case of an appeal, the Town Council shall conduct a duly noticed public hearing within (30) Thirty Days following the receipt of the written appeal. The Town Council shall consider the applications under the standards set forth in this chapter, and sustain, or overrule the decision of the Town Council. The decisions of the Town Council shall be final.

SUSPENSION OF PERMIT

The Town Manager, or the Town Marshall shall have the power to suspend, and shall suspend any special event permit if the applicant has done any of the following:

1. Violated any provision, or requirement of approval imposed upon the permit.

2. Violated any provisions of the law.
3. With the actual conduct of the activity, threatened the preservation of the public peace, safety, or general welfare, or unreasonably interfered with the use, and enjoyment of other property in the immediate vicinity of the activity.

DELEGATION

The Town Council shall delegate any, or all of its authority under this policy to the Town Manager, unless otherwise specified.