35a
(13)
100mm

ORDINANCE 14-23

AN ORDINANCE AMENDING PARKS SPECIAL EVENT POLICIES, FORMS, PROCEDURES AND FEES NECESSARY FOR THE WESTFIELD PARKS DEPARTMENT

WHEREAS, The City of Westfield, ("City") is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council ("Council"); and,

WHEREAS, The City has the duty and responsibility to maintain and operate the Westfield Parks Department for the benefit of the public; and,

WHEREAS, it is the duty and the responsibility of the Council to consider and adopt amend the policies, procedures and fees necessary for the fiscally responsible, orderly and efficient operation of the facilities and functions under the direction of the Westfield Parks Department; and,

NOW, THEREFORE, BE IT ORDAINED by the Westfield City Council meeting in session as follows:

Section 1. That upon review of the amended Special Events schedule of policies, forms and fees, attached hereto as Exhibit "A" and incorporated herein, the Council finds that the same are justified, reasonable and necessary for the responsible operation of the Westfield Parks Department and facilities and functions.

Section 2. That the Westfield Parks Director is hereby authorized to implement the attached policies, forms, procedures and to charge and collect the fees as adopted herein. Ordinance 12-38 is hereby amended and

Section 3. This Ordinance shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict herewith are hereby ordered repealed. All acts undertaken to develop this Ordinance are hereby ratified.

2014022902 ORDINANCE $36.00
06/16/2014 09:34:13A 13 PGS
Mary L. Clark
HAMILTON County Recorder IN
Recorded as Presented

ALL OF WHICH IS ORDAINED THIS 9th DAY OF June 2014.

WESTFIELD CITY COUNCIL

Voting For	**Voting Against**	**Abstain**
Jim Ake	Jim Ake	Jim Ake
Steven Hoover	Steven Hoover	Steven Hoover
Robert L. Horkay	Robert L. Horkay	Robert L. Horkay
Charles Lehman	Charles Lehman	Charles Lehman
Robert J. Smith	Robert J. Smith	Robert J. Smith
Cindy L. Spoljaric	Cindy L. Spoljaric	Cindy L. Spoljaric
Robert W. Stokes	Robert W. Stokes	Robert W. Stokes

ATTEST:

Cindy Goddard, Clerk Treasurer

"I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law"

Signed

I hereby certify that ORDINANCE 14-23 was delivered to the Mayor of Westfield

on the 9 day of June, 2014, at 8:50 p. m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 14-23

this 9 day of June, 2014.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 14-23

this _____ day of _____, 2014.

J. Andrew Cook, Mayor

This document prepared by
Brian J. Zaiger, Esq.
KRIEG DEVAULT, LLP
(317) 238-6266

Policy: PK 01-11
Policy Title: Westfield Parks & Recreation Special Event Policy
Policy Purpose: Establish Non-Park Special Event Protocol
Implementation Date: March 1, 2011
Revision Date: ~~January~~ July 1, 2014

CITY OF WESTFIELD
PARKS AND RECREATION DEPARTMENT
NON-CITY SPONSORED SPECIAL EVENT POLICY

A. Purpose and Intent

1. The Westfield Parks and Recreation Department assists in bringing group events to Westfield that contribute to the community's quality of life. In the continuing efforts by the City to provide the public with quality recreational choices in well maintained, clean, and safe parks, Westfield has developed the following standard operating procedures to review requests for Special Events to be held in the City Parks.

2. Park facilities may be made available for non park related uses consistent with the policies herein and subject to availability.

B. Definition

1. **Special Event.**
"Special Event" means a group activity including, but not limited to, a performance, meeting, assembly, contest, exhibit, ceremony, parade, athletic competition, reading, or picnic involving more people than an individual shelter rental could accommodate or a group activity in which a specific park space is requested to be reserved. Special Events are not defined as casual park use by visitors or tourists, or individual shelter rental.

C. Uses

1. Priority shall be given to groups and individuals whose request reflects significant community interest and general value. The Westfield Parks Director or his/her designee will review and balance each request. The Westfield Parks Director or designee reserves the right to refuse rental/use.

2. Applicants wishing to use the park facilities shall meet requirements as outlined in the Eligible User Groups as developed by the Westfield Parks and Recreation Department.

C. **Consideration**

1. Scheduling priority will be given according to the order indicated below with Group 1 having the first priority and Group 4 having the last. Scheduling will be on a first come, first served basis within a group. A Group 1 organization may bump a lower priority group with a one month or greater notification.

2. In order to recover some of the costs associated with special events, Special Event Public Safety and Maintenance Fees may be charged.

3. The Westfield Parks Director reserves the right to waive rental fees.

4. Facilities shall be available for only non profit uses. Any exceptions shall be at the sole discretion of the Westfield Parks Director or designee and shall be evaluated by the benefit to the public.

5. In an emergency, the Parks Department shall cooperate with recognized state or federal agencies in the use of all park facilities without charge, superceding all other scheduled events and uses.

6. Special Events such as weddings or funerals shall be scheduled under exceptional conditions and as schedules allow.

7. City employees wishing to host a special event other than a shelter rental for individual use will adhere to this same policy.

F. Eligible User Groups

Group 1: Direct City Related Activities E.g. City Department meetings, classes, special events, or activities	No Rental Fee No Maintenance Fee No Public Safety Fee
Group 2: Joint Sponsored Events E.g. DWA, Washington Township Parks Department, Hamilton County Parks Department, Schools and Education Foundation, Library	No Rental Fee No Maintenance Fee No Public Safety Fee
Group 3: Civic and Service Organizations, Non-Profits E.g. Scouts, 4-H Clubs, Youth Athletics, Youth Organizations, Rotary, Lions, Kiwanis, Churches, Chamber of Commerce, other Community Groups	Rental Fee Maintenance Fee Public Safety Fee (if necessary)
Group 4: Private Businesses, Organizations, and Citizens Acceptable events will be determined by Parks & Recreation Director	Rental Fee Maintenance Fee Public Safety Fee (if necessary)

G. Application Procedure

1. All requests should be made in writing using the **Permit for Special Event Use** form (Exhibit B) and submitted to the Westfield Parks and Recreation Administration Office at a minimum of 30 days prior to the requested event date. Applications are available online at the Westfield Parks and Recreation website below; at City Service Center – Customer Service and at the Westfield Parks and Recreation Administration Office.

   http://www.westfield.in.gov/parks

   Please note: if a large scale event (an event with estimated 500+ people in attendance) is being proposed, you may need as much as one year's preparation.

2. The application must state the specific time and date of the event as well as all facility needs to be furnished by the City.

3. The Westfield Parks Director will determine the merits of the application and availability of the location. A copy of the signed application will be given to the Westfield Fire Department, Westfield Police Department, and the Westfield Public Works Department for their comments regarding public safety and to determine if any public safety and maintenance fees will be charged.

4. Upon approval of the special event, all rental, maintenance and public safety fees will be invoiced with the due date indicated on the invoice.

5. All sales are final and nonrefundable. A refundable damage deposit of $200 is required for all special events. If alcohol is served, the deposit increases to $600. The damage deposit should be paid with a separate check from any rental and public safety fees. Renters agree to be responsible for any additional charges incurred or damages caused by renter's activities.

6. Upon receipt of certificate of insurance (please see Section H), and payment of damage deposit and fees, a copy of the approved application will be returned to serve as the permit.

7. Permits granted may be subject to cancellation at any time by the Westfield Parks Director or his/her designee.

H. Insurance and Liability

1. Any group using the Westfield City Parks for any purpose must provide a certificate of insurance showing proof of liability insurance in the amount of $100,000 property damage per occurrence and $1,000,000 bodily injury per occurrence naming the City of Westfield as an additional insured.

2. The requesting party shall protect and hold harmless the City of Westfield and its **elected officials, employees, staff and representatives, and each of them,** from any and all claims, suits, liabilities, damages or causes of action of any kind, provided such person was acting in the discharge of his/her duties.

I. Rules and Regulations

1. Applicants shall comply with all Rules of Park Operations set forth in – Ordinance 10-28 PK 02-11. A copy is posted on the Parks Department webpage and is available upon request.

2. Holders of permits shall confine their use strictly to the specific area approved and will not be permitted to use any other space, equipment or apparatus unless it is approved in the application.

3. The applicant and his/her organization shall be held strictly accountable for complying with the rules and regulations that govern use of the City Parks, and shall be responsible for damages, losses, or accidents, which might occur while the organization is using the site. If proper care is not exercised, the continued use of the City Parks may be denied.

4. The sponsoring organization must provide adequate supervision and must ensure visitors use only the areas approved for rental/use. The organization will also provide all necessary supporting personnel such as medical personnel, parking attendants, set up and cleanup crews. A Public Safety fee may be charged if these services are deemed necessary to be provided by the City.

5. It is the sole responsibility of the user to secure additional trash receptacles or have trash hauled away if park containers will not accommodate the needs of the event. Trash that is not disposed of properly or overfills a receptacle may result in a loss of deposit. The Westfield Parks and Recreation Administration will determine if the size of the event requires a rental of an outside dumpster. Dumpsters are only to be placed in designated areas approved by the Westfield Parks and Recreation Administration.

6. The sponsoring organization is required to provide portable restrooms if the special event will have attendance of over 500 persons. The requirement is one portable restroom per 500 attendees. At least one in every three rented must be handicap accessible. Delivery must be at the latest date and time possible prior to the event and removed from Park property no later than 24 hours after the event. Westfield Parks and Recreation Department is not responsible for any damage to portable restrooms. Portable restrooms are to be placed only in designated areas approved by Westfield Parks and Recreation Administration. Vendors are responsible for any water supply hoses.

7. Vehicles are not allowed on Park property that is not designated for parking. Deliveries or setup needs that require a vehicle to enter the park must be approved in advance by the Westfield Parks and Recreation Administration.

8. The sponsoring organization is responsible for providing information if tents are being proposed as part of the event set-up and for calling in utility locates to prevent interference with irrigation, fiber and utility infrastructures.

9. Users are encouraged to exercise Universal Precautions (Universal Precautions refers to the practice, in medicine, of avoiding contact with bodily fluids, by means of wearing medical gloves, goggles and face shields) and to have the necessary emergency first aid kits issued to their members.

10. A report of any personal injury must be submitted to the Westfield Parks and Recreation Administration Office by the person securing the permit within 24 hours after an injury.

11. Property damage must be reported immediately to the City representative on duty, and an itemized list of any property damage must be provided to the Westfield Parks and Recreation Administrative Office by the person securing the permit within 24 hours after any such damage.

12. No signs, displays, or materials may be attached, nailed or otherwise affixed to shelters, trees, buildings or existing signs.

13. For temporary signage at locations outside of the park, or road closures or blockages, the sponsoring organization must obtain an Encroachment Permit through the City of Westfield Community Development Department, which may carry an additional fee. The Encroachment Permit Application is available online at www.westfield.in.gov or at the City Service Center. Please allow ten (10) working days from receipt for approval.

14. No Park fixtures may be moved without consent of the Westfield Parks Director.

15. The use of special equipment, including but not limited to, cooking equipment, musical instruments, and public address systems and sports equipment will be reviewed per application.

16. Alcohol use is restricted and will be reviewed per application. All necessary licensing and insurance is required. If approved, the damage deposit increases from $200 to $600.

17. Use of the Park facilities will be terminated if the City determines the use is being diminished or compromised by the rental organization.

18. No group may monopolize more space and time than is needed to meet the needs of the approved event.

19. Failure to comply with these rules and regulation will be sufficient reason to cancel future privileges.

20. No Park Facility may be used for a special event without the presence of a City representative.

J. Fees and Charges

1. See Exhibit A.
   Titled: CITY OF WESTFIELD PARKS AND RECREATION DEPARTMENT SPECIAL EVENT FEES AND CHARGES

EXHIBIT A
CITY OF WESTFIELD
PARKS AND RECREATION DEPARTMENT
SPECIAL EVENT FEES AND CHARGES
(PK 01-11)

Asa Bales Park – North (205 W. Hoover Street) **$150** for up to four (4) hours, **$20** for each additional hour. Based upon the number of attendees, public safety fees may be charged.
Amenities include: three shelters, fourteen picnic tables, large permanent grill, drinking fountain, restrooms, skate park, playground, large open grass field, lots of trees, creek, paved trails and paved parking lot (twenty spaces). Asa Bales North is located across the street from Westfield High School, next to the Westfield Middle School, the Public Library and just two blocks from Freedom Trail Park.

Asa Bales Park – South (200 Camilla Court) **$100** for up to four (4) hours, **$20** for each additional hour. Based upon the number of attendees, public safety fees may be charged. Amenities include: playground, natural amphitheater, paved trail, lots of trees, creek, paved parking lot (eighteen spaces), and paved trail access from Union Street.

Freedom Trail Park Fields (500 Deer Walk Trace) **$200** for up to four (4) hours, **$20** for each additional hour. This includes use of three football fields. The fields can be rented individually for $100 for up to four (4) hours, $20 for each additional hour.

Freedom Trail Park Play Area (500 Deer Walk Trace) **$150** for up to four (4) hours, **$20** for each additional hour. Amenities include: all inclusive playground, sensory garden, paved and gravel trails, prairie establishment, and a paved parking lot.

Hadley Park (100 W. Main Street) **$40** for up to four (4) hours, **$20** for each additional hour. Based upon the number of attendees, public safety fees may be charged. Hadley Park is a small intimate space ideal for small weddings or small gatherings. It is located in the center of downtown Westfield. Amenities include: a portico, benches, memorial brick walkway, beautiful gardens, and trees. It is adjacent to Asa Bales Park.

Quaker Park (17501 Dartown Road) **$150** for up to four (4) hours, **$20** for each additional hour. Based upon the number of attendees, public safety fees may be charged. Amenities include: Shelters 2, 3 & 4, eighteen picnic tables, playground, splash park, basketball goals, Midland Trace Trail, which includes Born Learning Trail, drinking fountain, permanent grill, restrooms, paved parking (44 spaces), large open grass field, trees, and creek. Shelter #1 cannot be included in special event rentals.

Simon Moon Park (2710 E. 171st Street) **$100** for up to four (4) hours, **$20** for each additional hour. Based upon the number of attendees, public safety fees may be charged. Anyone wanting to rent the shelter and use the Council Circle Fire Pit must apply as a special event. Amenities include: Shelter with six picnic tables, additional picnic tables on top of hill, sledding hill,

Council Circle with Fire Pit, Fire Host (park staff), wood and fuel for fire, fire maintenance and extinguishing of fire, trail connection to Midland Trace Trail, 2-5year old playground, 5-12 year old playground, drinking fountain, permanent grill, paved parking (eight spaces) and additional parking at the City Services Center.

Old Friends Cemetery Park (302 S. Union Street) **$100** for up to four (4) hours, **$20** for each additional hour. Based upon the number of attendees, public safety fees may be charged.
Amenities include: 1834 Historical Friends (Quaker) Cemetery in a beautiful serene setting in the heart of downtown Westfield, plaza, gazebo, Martha Doan Memorial Garden, stoned walkways, interpretive signage that shares Westfield's story, benches, drinking fountain, bike racks, adjacent to the Midland Trace Trail and Grand Junction Trail across the street.

Monon Trail - $100 for up to four (4) hours, **$20** for each additional hour. Based upon the number of attendees, public safety fees may be charged. Amenities include: 12-foot paved asphalt trails with two-foot stone shoulders, drinking fountain, benches, Greyhound Pass Trail Head (1155 E. Greyhound Pass) with parking, bike racks and restrooms, connection to Carmel/Indy Monon Trail and the Midland Trace Trail.

Midland Trace Trail - $100 for up to four (4) hours, **$20** for each additional hour. Based upon the number of attendees, public safety fees may be charged. Amenities include: Three sections of the trail now open (Carey Road to Union Street; Oak Ridge Road to Quaker Park and Springmill Road toward Ditch); 12-foot paved asphalt trails with two-foot stone shoulders, drinking fountains, benches, bike racks, connections to Simon Moon Park, Old Friends Cemetery Park, Grand Junction Trail/Natalie Wheeler Trail, Downtown Westfield and Quaker Park; parking available at Simon Moon Park and Quaker Park.

Grand Junction Trail - $100 for up to four (4) hours, **$20** for each additional hour. Based upon the number of attendees, public safety fees may be charged. Amenities include: 10-foot paved asphalt/brick trail with granite shoulder, benches, landscaping and bio-swales, leisure urban feeling; connections to Midland Trace Trail, Natalie Wheeler Trail, Old Friends Cemetery Park, Union Bible College, close proximity to Hadley Park and Asa Bales Park.

Natalie Wheeler Trail - $100 for up to four (4) hours, **$20** for each additional hour. Based upon the number of attendees, public safety fees may be charged. Amenities include: 12-foot paved asphalt trails, connecting to Grand Junction Trail, Cool Creek Park, future Cool Creek Trail extension and Liberty Park. Parking at Liberty Park and Cool Creek Park.

Programming Facility (330 E. Main Street) - **$100** for up to four (4) hours from 6 a.m. to 3 p.m. Mondays through Fridays, **$20** for each additional hour. **$300** for up to four (4) hours on weekends and after 3 p.m. Mondays through Fridays, **$60** for each additional hour. Based upon the number of attendees, public safety fees may be charged. Amenities include: three rooms, ten 6' tables, 40 folding chairs, 25 children's chairs, two restrooms, on-site parking for 20 vehicles and public parking for 30+ vehicles within a 1-2 minute

walk. The programming facility is located across the street from O.W. Krohn and Associates, and in between Body One and Edward Jones.

NOTE: A refundable damage deposit of $200 is required for all special events; if alcohol is served, the deposit increases to $600.

All fees are final and non-refundable. Rental fees include: Clean up prior to event, set up of additional trash receptacles (if needed), and trash removal after the event, any necessary furniture moving and on-site staff during event.

PERMIT FOR SPECIAL EVENT USE
WESTFIELD PARKS AND RECREATION DEPARTMENT

ALL REQUESTS ARE TO BE SUBMITTED AT LEAST 30 DAYS PRIOR TO USE (Exhibit B-Policy PK 01-11)

TODAY'S DATE: _____ ORGANIZATION: _____

EVENT LOCATION: _____ SPECIFIC AREA: _____

DATE(S): _____ HOURS: _____ APPROX. ATTENDANCE: _____

EVENT NAME: _____ EVENT PURPOSE: _____

_____

_____

Specify, in as much detail as possible, what will be required for the event. Include set up (tents, tables, chairs), technology needs, use of public address systems, power, and who is supplying and setting up this equipment. Also, include event signage. Attach a map of the event layout.

A Certificate of Liability Insurance in the amount of $100,000 property damage per occurrence and $1,000,000 bodily injury per occurrence naming the City of Westfield as additional insured required. Certificate is due with payment of damage deposit and fees.

A signed Permit For Special Event Use form must be on file with the Park Administration Office to confirm scheduling of your event.

REPRESENTATIVE	**ALTERNATE CONTACT NAME & PHONE**
SIGNATURE OF REPRESENTATIVE	**MAILING ADDRESS**
HOME PHONE **WORK PHONE**	**CITY/STATE** **ZIP**
EMAIL	**DATE**

FOR OFFICE USE ONLY:

DEPOSIT AMT: _____ DATE RECEIVED: _____ RENTAL FEE: _____ DATE RECEIVED: _____

PUBLIC SAFETY FEE: _____ DATE RECEIVED: _____ MAINTENANCE FEE: _____ DATE RECEIVED: _____

APPROVED/DENIED: _____

CERTIFICATE OF INSURANCE RECEIVED: _____ PERMIT NUMBER: _____