

**BOARD OF PUBLIC WORKS & SAFETY
MICHIGAN CITY, INDIANA**

POLICY FOR SPECIAL EVENTS IN THE CITY INVOLVING STREET CLOSURES

Purpose: To define the policy for special events and requests for street closures in Michigan City, Indiana.

Scope: This statement applies to all special events in the City of Michigan City, Indiana requiring the closure of streets.

Changes or revisions to this policy may not be made without the express, written authorization of the Michigan City Board of Public Works and Safety.

Effective Date: This policy is effective February 6, 2017.

1.0 Policy Statement

Pursuant to I.C. 36-9-6, the control, supervision, and maintenance of public streets within the City of Michigan City, Indiana (hereinafter referred to as “City”) is vested in the Michigan City Board of Public Works and Safety (hereinafter referred to as “Board”). The Board has adopted the following policies and procedures for special events in the City involving street closures.

2.0 Intent and Purpose

The intent and purpose of this Policy is to enable the City, and the various departments therein, to safely and efficiently assess and implement a request for street closure made by a third party for purposes of hosting, managing, sponsoring, or otherwise conducting a special event within the City (hereinafter referred to as “Requester.”)

3.0 Submission of Request to City Clerk

Requester shall submit all plans for the special event, including but not limited to the dates, times, maps, and suggested street closure(s) to the Michigan City Clerk’s Office on the *Street Closure for Special Event Form* attached hereto and incorporated herein as “Exhibit A.” Upon receipt, the Clerk’s Office shall do the following:

- A.) Forward the information onto each City Department, including Water Department, Sanitary District, and Port Authority, (hereinafter collectively referred to as “City Department”) for their respective review and input. Each City Department shall provide a timely response to the Clerk regarding their respective review and input.
- B.) Each Department shall provide a timely response to the Clerk regarding their respective analysis and whether they support or do not support suggested street closure(s).
- C.) Clerk to provide said responses to the Board.

D.) Place request on the Board's Agenda for the next public meeting, unless a different public meeting date is requested by Requestor.

For purposes of proposed new Special Events, which have not previously been approved by the Board, or modifications to Special Events, which have been previously approved by the Board, Requestors must submit information to Clerk no later than sixty (60) days prior to the special event. Board reserves right to waive time deadline as exigent circumstances may warrant.

4.0 Review of Request Board of Public Works & Safety

The Board will not consider street closure requests that have not been reviewed and analyzed by each City Department. The Board shall have full discretion in determining whether or not it is in the City's best interest to grant or deny said street closure.

The Board prefers submission of Requestor's Certificate of Liability as outlined below with the Street Closure for *Special Event Form*, however, Board may approve street closure subject to the production of the Certificate of Insurance to the Clerk at least thirty (30) days prior to the street closure.

If Requestor is asking permission to hold Special Event within said thirty (30) day window, then Certificate of Liability must be attached to the *Special Event Form*.

5.0 Granting of Street Closure for Special Events

If the Board grants the street closure for Requestor's Special Event, the following shall apply:

(A) Waiver; Indemnification and Hold Harmless

Requestor hereby waives, releases and discharges on behalf of himself/herself, or by any other person or entity acting on his/her behalf or on their own behalf, including but not limited to assignors, heirs, executors, and administrators, City from any and all claims or demands therefore on account of injury, loss, or damage to person or property, wrongful death actions, future claims, demands, liens, rights, costs, expenses, and other related items of damage or actions of any kind on account of, growing out of, or which may result from the street closure for special event, which arise or in the future may arise. The Requestor expressly agrees to indemnify and hold the City harmless from any and all claims or demands therefore on account of injury, loss, or damage to person or property, wrongful death actions, future claims, demands, liens, rights, costs, expenses, and other related items of damage or actions of any kind by the Requestor, or by any other person or entity acting on his behalf or on their own behalf, including but not limited to assignors, heirs, executors, and administrators, on account of, growing out of, or which may result from the street closure for special event, which arise or in the future may arise. It is expressly intended that such indemnification and hold harmless obligation shall extend to and include attorney fees and costs incurred by the participation in City in defending any claim, causes of action, wrongful death causes of action, or demands taken by the Requestor.

(B) Insurance Requirements & Time Deadline for Submission to City

Requester is required to be insured adequately to support the request for street closure and shall maintain insurance coverage for the special event in not less than the amounts not less than the amounts set forth below for each occurrence.

A Certificate of Insurance of the Requestor must be submitted to the City Clerk’s Office no later than thirty (30) days prior to the special event. If Requestor fails to submit a Certificate of Insurance to the City Clerk within this time frame, said permission for street closure is deemed automatically revoked by the Board. If Requestor submits a Certificate of Insurance within said time frame, however, the City determines said Certificate of Insurance fails to comply with the insurance requirements herein, Requester shall cure said defect within seven (7) days and provide the City with an amended Certificate of Insurance complying with the requirements herein. If Requestor fails to cure said defect, said permission for street closure is deemed automatically revoked by the Board. If permission is deemed automatically revoked under this section, Corporation Counsel for the City shall notify Requestor and the Board in writing of the same.

A copy of the insurance policy and endorsements must be made available upon request of the City.

The City shall be named as an Additional Insured on all such insurance policies, except worker’s compensation. The insurance provided to the additional insured shall be primary and non-contributory with a waiver of subrogation rights in favor of the City. The Additional Insured shall be listed as follows:

City of Michigan City, Indiana
100 E. Michigan Blvd.
Michigan City, IN 46360

All insurance policies shall contain a clause of endorsement providing that they may not be cancelled, non-renewed, substituted, or materially amended during the term of this Agreement, except after thirty (30) days prior written notice to City. This cancellation provision must be indicated on the Certificate of Insurance. Acceptance of a Certificate of Insurance that does not comply with this section will not operate as a waiver of Requestor’s obligations hereunder.

The insurance limits stated below are not intended to be an indication of exposure nor are they limitations on indemnification. Requestor shall maintain the following insurance limits for purposes of the special event requesting street closure:

<u>Commercial General Liability (Occurrence Form)</u>	
General Aggregate (other than Prod/Comp Ops Liability)	\$2,000,000
Products/Completed Operations Aggregate	\$2,000,000

Personal & Advertising Injury Liability	\$1,000,000
Each Occurrence	\$1,000,000

Workers' Compensation and Employer's Liability

Workers' Compensation	Indiana Statutory Limits
Employer's Liability	
Bodily Injury by Accident	\$500,000 each accident
Bodily Injury by Disease	\$500,000 policy limit
Bodily Injury by Disease	\$500,000 each employee

Automobile Liability

Combined Single Limit	\$1,000,000 each accident
-----------------------	---------------------------

If event includes liquor, you must have the following:

Liquor Liability

Aggregate	\$2,000,000
Each Occurrence	\$1,000,000

Exceptions to these insurance limits may be granted by the Board of Works or Corporation Counsel, subject to Requestor demonstrating cause for same.

(C) Assignment

The permission for street closure granted to Requester is specific to said Requester. Requester shall not transfer, sublet, or assign any rights or responsibilities under, or interests in or to said street closure written consent of the Board. Any assignment in violation of this subsection shall be null and void, and said permission shall be deemed revoked by the Board.

(D) Non-Discrimination

Requester's special event shall not discriminate on the basis of race, age, color, sex, sexual orientation, national or ethnic origin, gender identity or preference, or disability.

(E) Termination/Revocation of Permission

The Board reserves the right to revoke permission for the street closure at any time for any reason, including but not limited to an emergency, public safety and health concern, performance of public works projects, budgetary/financial constraints imposed on City, violation of any law, and/or unforeseen circumstances.

In the event of an unforeseen emergency and/or public safety and health concern, which would jeopardize persons or property, and the timing of such emergency event prevents the Board from being able to call a meeting, a Chief or Assistant Chief from either the Michigan City Police Department or the Michigan City Fire Department may revoke said

permission for street closure for said special event. Said entity revoking permission on an emergency basis, shall immediately communicate the same to the Requestor and the Board.

The City shall not be responsible for any damages or liabilities sustained by Requester as a result of the termination and revocation of permission of street closure under this policy.

6.0 Possible Alternatives Locations to Host Special Event

In the event the Board denies Requestor's request and/or Requestor decides to pursue a possible alternative location to host special event, the following represents a possible list of alternative sites to host event, subject to permission and terms and conditions of owner:

- Michigan City Park Department: The Park Department has control and jurisdiction over numerous parks in the City, including but not limited to Washington Park, Gardena Park and Patriot Park. Further information can be obtained from Park Department at (219) 873-1506.
- Striebel Pond: Striebel Pond is under the control and jurisdiction of the Michigan City Sanitary District. This area has a track that can be utilized as either a one mile or one and a half mile track. Further information can be obtained from the Sanitary District at (219) 874-7799.
- LaPorte County Park Department. One of the county parks, Creek Ridge Park, is located relatively close to City limits. This park has several small walking tracks/paths, and a large area to park vehicles. Further information can be obtained from the LaPorte County Park Department at (219) 874-7799.
- Michigan City Area Schools. The Michigan City Area School System has various areas that could possibly serve special events, such as Barker, Krueger, and Elson Middle School, which have quarter mile tracks. Further information can be obtained from School System at (219) 873-2000.