

# Elkhart County Parks

## SPECIAL EVENT POLICY #12-1

May 2012



The following are standards and requirements applicable to special events that are under the jurisdiction of the Elkhart County Parks. These standards and requirements have been established by which special events and large gatherings may be permitted within an Elkhart County Park when the requirements have been met and approved.

This policy has been adopted in the interest of the health, safety, and welfare of our visitors.

### **I. Definitions**

- A. "Applicant" means a person who applies for a special event permit.
- B. "Event" means any open public event or gathering to be held in or managed by Elkhart County Parks, all or any part of which includes a theatrical exhibition, public show, display, entertainment, exhibition including, but not limited to, picnics; races; walking events; youth and adult sporting tournaments; fishing tournaments; day camps; camping or similar gatherings.
- C. "Large Event" is events planned for 250 or more attendees.
- D. "Person" means any individual, partnership, corporation, association, group or organization.
- E. "Event Sponsor" means any individual, partnership, association, corporation, limited liability company, government agency or other entity having a principal residence or office in Elkhart County, Indiana.
- F. "Event Manager" means the person who represents the Event Sponsor and is the main contact for the Event. Their name is listed on the Application and Permit.

### **II. Application for Special Event Permit**

- A. The Special Event application is for an organization or business planning an event that will be open to the general public to obtain a Special Event permit and to reserve a designated area and date in the Elkhart County Parks.
- B. Initial application shall be made at least four (4) months prior to the date of the proposed event. Except as hereinafter provided, all required documentation and fees must be received by the Parks Department no later than thirty (30) days prior to the date of the event.
- C. Only the Event Manager listed on the application will be allowed to make any changes, or be given information regarding their Special Event Application.

D. Any changes to the event submitted with the Special Event Permit Application must be submitted in writing to the Elkhart County Park office at least two weeks prior to the event. Any aspect of the event not fully described in the Permit Application or an addendum submitted in accordance with this paragraph will not be covered by the permit or allowed in Park facilities.

E. In order to mitigate the risks of personal injury and property damage for Elkhart County and the Elkhart County Park and Recreation Board, the Parks Director may require the Event Sponsor to provide a promise of indemnity by the Event Sponsor and proof of the financial wherewithal to honor that promise. In order to mitigate the risks of personal injury for Elkhart County, and the Elkhart County Park and Recreation Board, the Parks Director may require that specified participants in the Special Event sign and deliver to the Parks Director releases of liability and indemnification agreements. If required, a participant must sign the release of liability and indemnification agreement before participating in the Special Event.

### **III. Fees and Deposits**

A. For events taking place within the confines of a picnic shelter (within the shelter's rated capacity), the normal rental fee shall apply and be due thirty days prior to the date of the event.

B. For any shelter made unavailable for rent to the general public by the event due to parking and capacity constraints, the normal rental fee shall apply and be due thirty days prior to the date of the event, regardless of whether the shelter is being used by the event or not.

C. Additional fees for electric, field rental, tent placement, early opening, and late closing may also apply including vehicle entry fees. (See fee schedule for current rates.)

D. Security deposits will be required for Large Events where over 250 people are expected to attend as determined by the fee schedule. When required, they must be made in cash or check payable to the Elkhart County Parks Department and are due seven (7) days prior to the event. Security deposits will be returned if the site is in the same condition as it was prior to renting.

E. The Elkhart County Park and Recreation Board or its designated representative may consider a waiver of fees for an Event Sponsor which is recognized as tax-exempt under § 501(c) (3) of the Internal Revenue Code or which intends to donate all of the proceeds of the Special Event to charity, the Elkhart County Park and Recreation Board or the Friends of the Elkhart County Parks, Inc.. The Event Manager should attend a Park Board meeting to request fee waivers. In the event a representative is unable to attend, the organization may make the request in writing.

#### **IV. Action by the Elkhart County Parks Department**

A. The application shall be reviewed by the Elkhart County Park & Recreation Board or its designated representative for its approval or denial within one month of being submitted.

B. The Director of the Elkhart County Parks Department may be designated by the Elkhart County Park & Recreation Board to make decisions regarding approvals of event permit applications and/or conditions of an event permit.

#### **V. Permit Denial - The permit may be denied if:**

A. The application fails to comply with any requirements of this policy, existing Parks Department Rules and Regulations or any conditions imposed pursuant hereto, or with any other applicable provision of state or local law.

B. The application may be denied for an event that takes place during another major special event within any of county parks, whether by another applicant or the County Parks, depending upon staff, budget, facilities, and grounds constraints.

C. The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.

D. The application may be denied if the event is deemed high risk for participant injury, has potential to damage park facilities or grounds, has an impact on immediate neighbors to the park, impacts the County Park staff and budget constraints, has the potential for additional security measures to be taken that would impact law enforcement and security.

E. For any other reason in the reasonable exercise of the Park Board or its designated representative's discretion. Such reasons can include, but are not limited to, prior commitments, scheduling conflicts, facility capacities, prior performance of applicant, person or sponsor, failure to follow Parks Department Rules & Regulations, exceeding shelter or area capacities or exceeding the limits of a previous permit, lack of adequate Parks Department staff and for the protection of the Parks and their visitors.

#### **VI. Event Minimum Requirements**

Applications for Large Events or high security events are subject to subsections A through M, and such additional requirements as may be imposed. Applications for events where the expected or actual number of participants is less than 250, shall meet the requirements set forth in the following subsections E through M.

A. *Security personnel*: If deemed necessary by the Elkhart County Park & Recreation Board, the Event Sponsor shall employ, at its own expense, such security personnel as are deemed necessary and sufficient to provide for the adequate security and protection of the maximum number of persons at the event and for the preservation of order and protection of property in and around the site of the event. No permit shall be issued unless the Elkhart County Parks is satisfied that such necessary and sufficient security personnel will be provided by the sponsor for the duration of the event.

B. *Restroom facilities:* The sponsor shall provide extra portable restrooms, as necessary depending upon the size of the event. At least one handicapped restroom must be available at the event. Placement of restroom facilities must be coordinated with Park staff and placed in designated areas. The number and types of facilities required shall be determined, on the basis of the number of persons to attend the event, in the following manner:

1. If separate facilities are to be provided for males and females, the following ratios must be followed:

<i>Facilities</i>	<i>Male</i>	<i>Female</i>
Toilets	1:300	1:100
Urinals	1:200	N/A

2. If unisex facilities are to be provided, the following ratio is to be followed: 1:150.

C. *Trash Receptacles:* All trash must be picked up by the Event Sponsor, their employees and volunteers, and placed in designated trash containers during and immediately following an event. In the case of large events, the Event Sponsor may incur the delivery, removal, and cost of extra trash receptacles. This will be specified in the Permit.

D. *Fencing:* The sponsor may be required to erect a fence completely enclosing the site. Such fence shall have sufficient height and strength as will preclude persons in excess of the maximum permissible persons from gaining access and such fence shall have sufficient gates properly located so as to provide ready and safe ingress and egress.

E. *Food service:* If food service is made available on the premises, it shall be delivered only through caterers or vendors licensed and operating in accordance with the Elkhart County Health Department. The event organizer is responsible for ensuring permits are visibly posted at the Event and a copy of the permit(s) must be given to the Park Department.

F. *Alcohol:* Possession, sale, or use of alcoholic beverages is prohibited in the Elkhart County Parks.

G. *Access and traffic control:* The sponsor shall provide for ingress and egress from the premises so as to ensure the orderly flow of traffic onto and off of the premises. Access to the premises shall be from a highway or road which is a part of the county system of highways, and only from the designated park entrance roadways. Traffic lanes and other space shall be provided, designated and kept open for access by ambulance, fire equipment, helicopter and other emergency vehicles.

At least one travel route not less than twenty (20) feet wide shall be maintained at all times for ingress into the parking area from a public roadway, and one travel route not less than twenty (20) feet wide shall be maintained at all times for egress from the parking area. Each travel route shall be clearly marked for either egress or ingress, and such designations shall be enforced. If

the event is taking place on or across roads, it is the responsibility of the event Sponsor to coordinate permission and services.

H. *Parking and Driving*: Limited all-season parking is available at all Elkhart County Parks. At each park, parking is limited to designed capacity. Overflow parking can be accommodated seasonally at select sites. The Parks Department reserves the right to prohibit any and all parking outside of the designated parking areas.

In determining the number of parking spaces necessary for the event, the sponsor shall plan for no less than one (1) automobile for every three (3) persons expected to attend the event. The Event Sponsor shall provide sufficient readily-identified parking attendants to direct persons arriving at and leaving the event into and out of the parking area and to maintain such parking and traffic patterns within the parking area as to assure that each vehicle shall have a clear route by which to leave the parking area at all times.

All vehicles must remain on roadways and parking lots at all times, including during set-up and tear-down of events unless permission is otherwise obtained in the application process. Driving in grass areas, trails, or fields and pulling up to shelters with vehicles is prohibited. These restrictions do not prohibit the use of any other power-driven mobility device as defined in 28 C.F.R. § 35.104.

Speed limits and stop signs in the park need to be obeyed at all times.

I. *Insurance*: The Event Sponsor must provide a completed certificate of public liability insurance naming the Elkhart County Park & Recreation Board, elected and appointed officers, employees, all parties involved and volunteers as additional insureds at least two (2) weeks in advance of the event showing limits of liability equivalent to or greater than the limits of governmental liability prescribed by Ind. Code § 34-13-3-4. The Director of Parks is authorized to require higher limits than those stated above when circumstances warrant.

J. *Hours of the event*: It is highly encouraged the event, along with set up and cleanup be planned to take place during the open hours of the Elkhart County Parks. (See [www.elkhartcountyparks.org](http://www.elkhartcountyparks.org) for current park hours.)

If an early opening or late closing is required for the event, the organizer must clearly let us know one month in advance or preferably on the Special Event Application. There is a fee per hour for early opening and late closings (please see fee schedule for current rate). Due to staff constraints and budgets, this fee cannot be waived. The park can be opened as early as 7am and can remain open as late as two hours after closing.

K. *Miscellaneous*: Prior to the issuance of a permit, the Park Board or its designated representative may impose any other condition(s) reasonably calculated to protect the health, safety, welfare and property of persons attending the event visiting the park or of citizens of Elkhart County.

L. *Equipment*: The Elkhart County Parks is unable to provide any equipment for a Special Event that they are not sponsoring or co-sponsoring. This includes extension cords, tables, stage, ladders, and more. The Elkhart County Parks is not responsible for any lost, stolen, or damaged items or equipment that belongs to the Event Sponsor.

## **VII. Sound Producing Equipment**

No person shall use or operate any radio receiving set, musical instrument, phonograph, television or other machine or device that produces or reproduces sound in such a manner that produces excessive noise.

The use of such a machine or device should not produce audible sound in any direction at a distance in excess of five hundred feet (500') unless written permission has been obtained from the Elkhart County Park Board or its designated representative(s).

## **VIII. Stage**

The Event Sponsor is in charge of providing a stage if necessary. If a stage is used, it must be permitted and inspected with the State of Indiana's Department of Homeland Security through the Application for Amusement and Entertainment Permit. The Event Sponsor is in charge of completing the paperwork, obtaining this permit, and organizing the inspection. A copy of the permit needs to be given to the Elkhart County Parks. ([www.in.gov/dhs](http://www.in.gov/dhs))

It is required that the stage be put up and taken down the same day as the event, unless prior permission is obtained from the Elkhart County Parks Director.

## **IX. Tents and Canopies**

Tents and canopies that require staking into the ground, or are larger than 10'x 10' are prohibited unless prior authorization has been granted through the special event permit. The tent/canopy must be put up and removed the same day of the event, unless prior permission is obtained from the Elkhart County Parks director.

The Event Sponsor must abide by the tent policy of the Elkhart County Parks, pay the tent space fee for each tent over 10'x10' place the tent in the agreed upon area, and follow the regulations of the State of Indiana's Department of Homeland Security's Division of Fire and Building Safety's Tent Policy, including any inspections that are needed prior to the event.

([www.in.gov/dhs](http://www.in.gov/dhs))

The Event Sponsor is responsible for contacting the federally-mandated national "Call Before You Dig" number. In Indiana the contacts are 811 or 1-800-382-5544 or [www.indiana811.org](http://www.indiana811.org). Event Sponsor should call 3 days in advance of the tent being set up.

## **X. Facility Policies & Park Ordinance**

The Facility Policies and the Park Ordinance must be followed at all times while on Elkhart County Park's property. This includes, but is not limited to the following:

- No possession or use of alcoholic beverages
- The Event Sponsor (renter) must be present.
- Balloons, egg tosses, confetti, candles, moon walks (bounce houses) and dunk tanks are not permitted.
- Live animal exhibits, petting zoos, and pony rides are prohibited.
- Release of live animals such as doves or insects such as butterflies, but not limited to such, is prohibited.
- Fires are restricted to proper containers. Ground fires are prohibited.
- Pets must be restrained on 6 foot leash at all times and owners must clean up.
- Smoking is prohibited in park buildings.
- Swimming is prohibited.
- Fireworks are prohibited.

## **XI. Refunds**

Refunds for reservations incurred with a Special Event application can only be made if cancellations are made 30 days prior to the event. If an event is cancelled after 30 days, no refunds can be given. All events are expected to happen rain or shine. Reservation fees will not be refunded for events cancelled due to weather conditions.

## **XII. Waiver**

The Event Sponsor may petition the Park Board or its designated representative for a waiver of one or more of the requirements for a permit under these rules. Upon receipt of such petition, if it appears to the Park Board or its designated representative that one or more requirements of the policy creates an unnecessary hardship, not created by action of the sponsor, or that a genuine hardship exists because of unusual circumstances with regard to the particular activity, such requirement or requirements may be waived. The need to obtain a permit may be waived by the Park Board or its designated representative or its designee if it is determined it is unreasonable for the size or nature of the activity taking place.

The nature of the event, the number of attendees anticipated and the past history of similar events and/or sponsoring organizations are factors that will be considered in determining whether a waiver is granted.

## **XIII. Revocation and Cancellation**

The Elkhart County Park Board or its designated representative may revoke a permit whenever the sponsor, its employees or agents fail, neglect or refuse to fully comply with any and all provisions and requirements set forth herein or with any and all provisions, regulations, ordinances, statutes or other laws incorporated herein by reference.

The Elkhart County Parks reserves the right to close parks and cancel the event due to severe threatening weather or other act that may place park visitors in harms way.

## **XIV. Violations**

It shall be a violation of this policy for a sponsor, its employee or agent to knowingly:

- A. Advertise, promote or sell tickets to, conduct or operate an event without first obtaining a permit as herein provided.
- B. Conduct or operate an event in such a manner as to create a public or private nuisance, or in violation of any of the requirements of this policy.
- C. Conduct or operate an event in violation of the general rules governing the use by the public of park and recreation facilities as set forth in Ordinance No. 12-177 of The Board of Commissioners of Elkhart County, Indiana, or in violation of any Indiana state or federal statute or regulation.

**XV. Severability**

If any word, clause, sentence or section of this policy or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of this policy which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be inoperable, and to this end this policy is declared to be severable.

Approved \_\_\_\_\_, \_\_\_\_ 2012

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Park Board President