

JUL 11 2024

## GENERAL ORDINANCE 12, 2024

CITY CLERK

AN ORDINANCE AMENDING THE *TERRE HAUTE CITY CODE* CHAPTER 4, ARTICLE 22, SPECIAL EVENT PERMITS.

WHEREAS, I.C. § 36-8-2-4 authorizes the City of Terre Haute to regulate the conduct, use or possession of property which might endanger health, public safety, or the welfare of its citizens; and

WHEREAS, I.C. § 36-8-2-9 authorizes the City of Terre Haute to regulate public gatherings to ensure the health, safety, and welfare of its citizens; and

WHEREAS, in order to protect the public health, safety, and welfare of its citizens, it is essential that provisions be implemented to regulate certain public activities or events that may occur within the corporate limits; and

THEREFORE, BE IT ORDAINED by the Common Council for the City of Terre Haute, Indiana, that *Terre Haute City Code* Chapter 4, is hereby amended by the insertion of the underlined text as follows:

**ARTICLE 22. SPECIAL EVENT PERMIT.**

...

**Sec. 4-310 Permit Required.**

It shall be unlawful for any person to hold any special event, or to own, operate or allow the operation of any building or premises in the City where dancing is indulged in or permitted, and where music is performed live or reproduced by any type of electronic or mechanical device, without first obtaining a special event permit from the Board of Public Works and Safety. ~~Whenever a special event requiring a permit is held on premises not owned or leased for a term of one (1) year or more by the person holding the special event, the owner and lessee of the property along with the person holding the special event must jointly obtain a special event permit.~~

...

**Sec. 4-312 Application for Permit.**

All applications for a permit required by this Article shall be submitted by the applicant in person, be in writing on a form supplied by the Board of Public Works & Safety, and shall include the following and be signed by the applicant(s):

- a. The name, mailing address, telephone number and copy of driver's license or other state issued photo identification of the owner of the premises where the special event will be held, applicant(s) holding the event, and the names and addresses of all partners (if a partnership), all officers if a corporation, and all other persons who will be associated in the

operation of the business, including, but not limited to, the name, date of birth, mailing address, and telephone number of the person or persons who will be present for the duration of the special event and who will be responsible for managing the special event;

b. The applicant's retail merchant certificate number, federal tax identification number, and alcoholic beverage permit number, if the premises is licensed for the sale of alcoholic beverages;

c. The date and specific hours when, and address where, the special event will be held;

d. Whether the special event will be open to the public, and whether there will be an admission charge, or any age or other restrictions on who may be admitted;

e. ~~Whether the premises on which the special event will be held is owned or leased for a term of one (1) year or more by the applicant;~~

f. Whether the applicant, including partners in a partnership and officers of a corporation, and any person responsible for managing the special event, has ever been convicted of a felony or misdemeanor;

~~f.g.~~ A detailed security plan that shall include, but is not limited to, the projected number of attendees, the number of dedicated security officers, and emergency/evacuation procedures; and

~~g.h.~~ Any other information required by the *City Code* or deemed appropriate by the Board of Public Works & Safety.

#### **Sec. 4-313 Liability Insurance.**

a. The applicant shall procure, and maintain throughout the term of the permit, a policy of general premises liability insurance that names the City of Terre Haute as an "additional insured" party, and that would protect the permittee and the City from any claims that may arise out of or result from the operation of the permitted special event. The applicant shall file a certificate of insurance with the Board of Public Works & Safety before a permit can be issued.

b. The limits of liability upon any insurance required by this Section may be Seven Hundred Thousand Dollars (\$700,000.00) per occurrence for injury or death of any one person and not less than One Million Dollars (\$1,000,000.00) in any one incident for any special event.

c. During the two-week period to include Indiana State University's homecoming football game, the limits of liability upon any insurance required by this Article shall be One Million Dollars (\$1,000,000.00) per occurrence for injury or death of any one person and not less than Two Million Dollars (\$2,000,000.00) in any one incident for any special event.

**Sec. 4-314 Denial; Grounds.**

...

(5) The applicant has failed to provide all necessary and/or adequate information required by this Article or has falsely provided such information; ~~or~~

(6) The applicant has failed to provide a sufficient security plan; or

(7) The applicant has committed a violation of this Article during a previous event with which applicant was involved.

...

**Sec. 4-317 Scope of Permit; Hours of Operation.**

...

c. During the two week period to include the date of Indiana State University's homecoming football game, under no circumstances may any part of a permitted special event be held between the hours of 1:00 a.m. and 6:00 a.m.

d. Outside of the two week period to include the Indiana State University's homecoming football game, Under under no circumstances may any part of a permitted special event be held between the hours of 2:00 a.m. and 6:00 a.m.

ed. ~~Under~~ At any time, under no circumstance may any part of a permitted special event be held between the hours of midnight and 6:00 a.m. if entry is not limited to persons eighteen (18) years of age or older.

...

**Sec. 4-319 Permit Fee.**

During the two-week period to include Indiana State University's homecoming football game, a special event permit fee in the amount of Five Hundred Dollars (\$500.00) shall be paid for each permit issued pursuant to this Article unless otherwise waived by any provision in this Article.

...

**SECTION 2.** The illegality or invalidity, for any reason, of any of the sections of this ordinance, or parts thereof, shall invalidate only such section or sections as are so determined to be illegal or invalid, any such invalidity shall have no effect on the remaining sections of this ordinance.

**SECTION 3.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 4.** This ordinance shall be in full force and effect from and after the date of its passage by the Common Council of Terre Haute, Indiana and approval of the Mayor and upon publication as required by law.

Introduced by: \_\_\_\_\_ Cheryl Loudermilk, Councilperson

Passed in open Council this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_ Tammy Boland, President

ATTEST: \_\_\_\_\_ Michelle L. Edwards, City Clerk

Presented by me to the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_ Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_ Brandon C. Sakbun, Mayor

ATTEST: \_\_\_\_\_ Michelle L. Edwards, City Clerk