

RESOLUTION NO. 21-2011
A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF
THE CITY OF SOUTH BEND, INDIANA AMENDING AND RESTATING ITS POLICIES AND
PROCEDURES FOR BLOCK PARTIES AND SIMILAR EVENTS

WHEREAS, pursuant to I.C. §36-9-6-2 and I.C. §36-9-6-3, the City of South Bend, Indiana Board of Public Works ("Board") has authority over the use of public rights of way and is responsible for the supervision of streets, alleys and other property of the City; and

WHEREAS, persons wishing to use and block vehicular access to the public right-of-way must obtain approval to do so from the Board; and

WHEREAS the Board receives numerous requests for permission to use and block vehicular access to the public right-of-way for special activities such as block parties, hog roasts, neighborhood gatherings and similar events; and

WHEREAS, the Board supports restricting access to portions of the City, if such event(s) are based upon the support of citizens residing in the neighborhood, or such event is for the benefit and participation of such residents; and

WHEREAS, the Board, through its Resolution No. 10-1989 adopted on March 6, 1989, as amended and restated through its Resolution No. 57-2008 adopted on August 25, 2008, has heretofore established certain policies and procedures related to such events; and

WHEREAS, the Board desires to further amend and to restate its policies and procedures.


NOW, THEREFORE, BE IT RESOLVED, by the Board of Public Works of the City of South Bend that policies and procedures previously established through its Resolution No. 10-1989 shall be and hereby are amended and restated in its entirety as follows:

1. The policies and procedures established by the Board in this Resolution shall be applicable to all such requests where there is a request for use of and/or the blockage of access to the public right-of-way for a block party. Any and all approvals granted by the Board for such events shall be subject to these policies.
2. All requests for approval to use and/or block access to the public right-of-way shall be filed with the Clerk of the Board of Public Works, 1316 County-City Building, 227 West Jefferson, South Bend, Indiana 46601 not less than four (4) weeks prior to the proposed date of the event, and shall be accompanied by a non-refundable application fee of \$50.00 to cover the administrative cost of processing the permit. All requests shall be made in writing on a prescribed Application Form which may be amended from time-to-time, the current form of which is attached hereto and incorporated herein as **Attachment "A"**.
3. The Board shall refer all such Applications for review and recommendation to the South Bend Police Department Traffic Bureau, the City's Bureau of Traffic and Lighting, the City Attorney's Office, Division of Engineering, and may refer the Application to various other entities as the Board, in its sole discretion, believes necessary. Such review and recommendation shall take into consideration the traffic controls, traffic safety equipment and materials to ensure safe conduct of the event. Each entity reviewing the Application shall submit its recommendation to the Board within five (5) business days of receiving the Application for review.


4. The Board may deny any Application if the Board, in its sole discretion, determines that the proposed event: (i) will constitute a public safety hazard; (ii) will conflict with any other event within the City; (iii) is not an event which is consistent with the type of event described in this resolution; (iv) the event would interfere with normal City operations or services; or (v) upon receiving an unfavorable recommendation from any of the entities described in Paragraph 3, above.
5. The closing time for block parties approved by the Board shall be no later than 8:00 p.m. unless the Applicant presents evidence to the Board which the Board, in its sole discretion, believes is sufficient evidence to warrant the granting of a special exception to the 8:00 p.m. closing time.
6. If alcohol is to be served or sold at the event, the Applicant shall submit a Certified Check or Money Order in an amount stated on the Application and shall be required to provide the names and contact information for three (3) security guards employed by Applicant in order to monitor underage drinking.
7. All Applicants shall be required to comply with all rules and regulations stated on the Application, the related Permit/Agreement and Instructions, as each may be amended from time-to-time, including, but not limited to, compliance with the City's noise ordinance.
8. The Board may require the sponsor of any event for which approval is granted to provide a certificate of insurance evidencing personal property damage insurance and liability insurance in an amount determined by the Board. In all such requirements, the City shall be named on the certificate as a co-insured. In addition, or alternatively, the Board may require that the sponsor indemnify and hold the City harmless from any and all damages, injuries, losses, claims or demands or costs which the City may suffer or incur as a result of any claims or actions arising out of the event. Applicant shall file the required certificate of insurance and/or indemnification agreement with its Application.
9. Nothing in this Resolution shall be construed to require approval by the Board, nor prevent the Board from imposing additional conditions or restrictions that the Board, in its sole discretion, deems necessary or desirable in carrying out the general intents and purposes of this Resolution.

ADOPTED this 25th day of February, 2011.

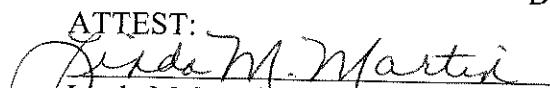
**CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS**



Gary A. Gilot, President

Carl F. Littrell, Member


Donald E. Anks, Member

ATTEST:


Linda M. Martin, Clerk