

RESOLUTION NO. 9-1985

A RESOLUTION OF THE
BOARD OF PUBLIC WORKS
OF THE CITY OF SOUTH BEND, INDIANA
ESTABLISHING POLICIES AND FEES FOR
FOOT RACES AND SIMILAR EVENTS

WHEREAS, pursuant to I.C.36-9-6-3, the Board of Public Works has authority over and the right to regulate the use of public rights-of-way within the City; and

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

WHEREAS, the Board receives numerous requests for permission to use the public right-of-way for special activities such as foot races, marathons, runs, walk-a-thons, bike-a-thons, and similar events; and,

WHEREAS, the use of the public right-of-way for said events results in increased costs to the City for traffic safety, equipment, personnel and materials; and,

WHEREAS, the ever increasing number of requests for approval to hold said events makes it necessary for the Board to establish policies regulating the use of public right-of-way for the events and establishing fees which enable the City to recover the costs of providing the additional traffic control services required to insure both pedestrian and vehicular safety during such events.

BE IT THEREFORE RESOLVED by the Board of Public Works of the City of South Bend, Indiana, that the following policies and charges shall be applicable to all such events held upon the public rights-of-way and all approvals granted and contracts entered into by the Board for such events shall be subject to these policies and charges.

1. All requests for approval to use the public right-of-way for races, walk-a-thons, bike-a-thons, and similar events shall be made to the Board of Public Works no less than 45 days prior to the proposed date of the event.

2. The Board shall refer all such requests to the Police Department Traffic Bureau and to the Bureau of Traffic and Lighting for review and recommendation as to necessary traffic control measures,

number of traffic safety personnel required and the estimated cost to the City of providing the necessary personnel, equipment and materials to insure safe conduct of the event. Each Bureau shall forward its recommendation and cost estimate to the Board within two weeks after receipt of the request.

3. The Board shall not grant approval for any event if it will conflict with any major traffic generating activity which has already been scheduled.

4. Five and 10K foot races and similar events with an anticipated participation of 1,000 or less people which are held on one of the fixed routes established by the Board of Public Works are subject to a predetermined fixed cost. The fixed routes are:

- A. Riverside Drive Route
- B. Northside Boulevard Route
- C. Rum Village Route
- D. Rum Village Park Oval Route
- E. Boehm/Tarkington Park Route

Maps showing these routes are attached to this Resolution as exhibits A, B, C, D and E respectively, and are made a part hereof. Any requests to use routes within public parks (Routes C, D and E) must be referred by the Clerk of the Board of Public Works to the Board of Park Commissioners for approval. The Board of Park Commissioners may impose additional terms and conditions for use of park property. The use of the Rum Village Oval Route and the Boehm/Tarkington Park Route is encouraged for events with 200 or less participants since the routes are wholly within City parks and, therefore, require less equipment and personnel to insure public safety during an event.

5. The Board shall consider routes other than the fixed routes for marathon runs and races with anticipated participation of more than 1,000 persons, and may consider routes other than fixed routes for other events.

6. The Clerk of the Board shall maintain a master calendar showing all events for which the Board has granted approval.

7. The Board may deny any requests for an event if it determines that the proposed event would constitute a public safety hazard, would conflict with any other event, or would interfere with normal City operations or services.

8. The Board may require the sponsor of any event for which approval is granted to provide a Certificate of Insurance showing personal property damage insurance in an amount up to \$1,000,000 and liability insurance in an amount up to \$5,000,000, naming the City as 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 proximately caused by default, culpability or negligence of the sponsor in connection with the event for which approval is granted. A required Certificate of Insurance or indemnification agreement must be filed with the board no later than 10 days prior to the scheduled event.

9. Walk-a-thons, bike-a-thons, and similar events shall not be confined to the fixed routes established by the Board but all proposed routes for such events are subject to the approval of the Board.

10. If the sponsor has held events in the past similar to that for which he is requesting approval, he must advise the Board of the number of participants in each past event.

11. The Board shall require the sponsor to pay one-half of the City's estimated costs for traffic safety, personnel, materials and equipment no later than 10 days prior to the date of the approved event and to pay the balance of the actual costs to the City within 10 days after the event has taken place. Any sponsor who fails to pay all costs within the designated period shall not receive approval for future events.

12. Volunteer groups providing traffic safety personnel for the event at the request of the South Bend Police Department shall be compensated by the sponsor at a predetermined rate no less than 10 days prior to the event.

13. Deviation from the assigned route may result in the event being stopped by order of the South Bend Police Department.

14. If the Bureau of Traffic and Lighting and/or the Police Department Traffic Bureau determines that an event will not create a public safety hazard or traffic congestion, no charge shall be assessed for the event.

15. If an event is subject to the South Bend Charitable Solicitations Ordinance, the sponsor shall show proof to the Board that the required charitable solicitation permit has been obtained.


16. The Sponsor shall enter into a contract with the Board for use of the public right-of-way for the proposed event. The contract shall incorporate these policies and the signing of the contract by the Board shall constitute approval for the use of public right-of-way for the event. The Board may not sign any such contract unless all required fees have been paid and all required documents have been properly filed with the Board by the sponsor.

Adopted this 4th day of March, 1985.

BOARD OF PUBLIC WORKS
CITY OF SOUTH BEND


John Leszczynski, President


Richard L. Hill, City Attorney


Michael Vance, City Controller

ATTEST:


Sandra Farmerlee, Clerk