

ORDINANCE No. 10628-18

Passed by the Common Council of the City of South Bend, Indiana

December 10, 2018

Attest: Kareemah N. Fowler City Clerk

Attest: President of Common Council

Presented by me to the Mayor of the City of South Bend, Indiana

December 10, 2018

Kareemah N. Fowler City Clerk

Approved and signed by me December 11, 2018

Mayor

SECOND SUBSTITUTE BILL NO. 55-18

ORDINANCE NO. 10628-18

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA,
AMENDING, CHAPTER 14 OF THE SOUTH BEND MUNICIPAL CODE BY THE INCLUSION
OF NEW ARTICLE 15 ENTITLED SPECIAL EVENT ON PUBLIC PROPERTY
REGULATIONS

STATEMENT OF PURPOSE AND INTENT

With the number of special events held on public property growing each year, such as parades, runs, festivals, and street parties, South Bend has become a true destination venue. These events enhance the overall quality of life and the cultural and economic prosperity of our City, and are to be encouraged.

The current information for special events as displayed on the City's website is entitled "Application & Forms - Public Works" and includes information for "Processions: Use for walks, runs, parades, motorcycle rides, or similar events." It refers to Board of Public Works Resolution No. 9-1985 approved on March 4, 1985, which has not been updated since then.

Prior to this ordinance certain special events were handled by the Board of Public Works under the category of "block party." This category was defined as either residential or non-residential under Chapter 14, Article 11, Sections 14-93 through 14-95 of the South Bend Municipal Code. Nonresidential block parties included large festival events such as Art Beat, the former Ethnic Festival and similar large public gatherings and celebrations. To reduce confusion, simplify, and better manage the licensing process for all events on public property, this ordinance repeals South Bend Municipal Code Chapter 14, Article 11, Sections 14-93 through 14-95 addressing block parties, and incorporates within this new Chapter 14, Article 15 the relevant provisions of the repealed Code Article 11 and its Sections regulating "block parties".

The Common Council, in collaboration with the City Administration, have worked together to discuss the many details involved with special events held on public property, and especially the many required City services needed to make sure that each event is safe for all to enjoy. An assessment of the costs incurred by the City, in conjunction with goodwill developed, has also been carefully reviewed and discussed. If a proposed event is reasonably anticipated to take place at least in part on public property and is required to have substantial public services involved to deal with the impacts of an event, including but not limited to public safety and public works services, the City has a legitimate public interest in requiring the applicant to share relevant information, and when determined to be reasonably necessary, to help off-set some of burden of the required public services costs from the City's taxpayers.

The following special event regulations are aimed at promoting the mutual benefits of the City of South Bend and event organizers. They set forth a process for permitting special events based on best practices effectively used in other communities. The City has a compelling need to coordinate timely the planning of each proposed special event in order to protect public health and safety, and to help reduce the potential impact of noise, congestion, pedestrian and traffic congestion, while guaranteeing the public's rights to free speech and assembly.

It is believed that the following special event and parade regulations are in the best interests of the City of South Bend, Indiana.

Now, Therefore, Be It Ordained by the Common Council of the City of South Bend, Indiana, as follows:

Section I. Chapter 14 of the South Bend Municipal Code which is entitled "Specific Public Safety Regulations" is amended by the inclusion of new Article 15, which shall read in its entirety as follows:

Article 15. Special Event on Public Property Regulations.

Division I. Regulations of General Application.

Sec. 15-157 Title.

This Article shall be known as the "Special Event on Public Property Regulations".

Sec. 15-158 Purposes.¹

- (a) It is recognized that special events on public property provide opportunities to enhance the City of South Bend and provide benefits to the citizens through the creation of unique venues for expression and entertainment, which may not routinely be provided as a part of governmental services.
- (b) It is the purpose of this Article to establish fair and reasonable processes for permitting special events conducted by the private sector to use City streets, sidewalks, facilities and/or services.
- (c) It is acknowledged that a coordinated process for the regulation is necessary in order to protect the public health, safety and welfare of the city, the patrons, participants, and attendees of special events, and to protect the rights and interests which are granted to special event permit holders.
- (d) These regulations create a fair and reasonable cost recovery program. Being mindful of City taxpayer concerns, the anticipated costs related to the City providing substantial public services are calculated and shared equitably by the involved parties requesting to hold a special event.
- (e) These regulations are further intended to protect the rights of citizens who wish to engage in constitutionally protected free speech expressive activities, based on the least restrictive and reasonable time, place and manner regulations of those activities.

Sec. 15-159 Definitions.

As used in this Article:

"Applicant" means the person or group sponsoring or organizing a special event who is required to apply for a Special Event Permit.

"Application fee" is a non-refundable amount charged by the City to help cover part of the administrative cost of processing the permit application through the City's internal review process. It is separate from any other charges and/or cost which may be required by City regulations.

"Block party" also referred to as *"residential block party"* means a public assembly sponsored solely by and limited to the actual residents of a block or blocks on a certain street.

"Board of Public Works" means the board referred to in Section 2-50 of the *South Bend Municipal Code*².

"Business day" means business hours during the City's routine work week. The City is open Monday through Friday. A "business day" excludes City holidays.

"City" means the City of South Bend, Indiana.

"Civic sponsored special event" means any official City of South Bend special event designated in Sec. 15-169 of this Article.

"Committee" means the "Special Events Committee" as defined later in this Section.

"Cost recovery" means administrative and departmental costs that include fixed costs, direct costs and indirect costs projected to be incurred by the City in conjunction with an event being held.

"Cost recovery program" means a fair and reasonable process developed to capture some or all of the administrative and departmental costs incurred by the City in conjunction with a special event.

"Demonstration" means any public display, assembly, formation, or procession which for the purpose of expressive activity is:

- (a) To assemble or travel in union on any street in a manner that does not comply with routine or normal traffic regulations or controls; or
- (b) To gather on public property location.

"Demonstration Form" means the form required under Section 15-167 of this Article to hold a demonstration consisting of twenty-five (25) or more individuals.

"Electronic means" is the use of electronic or digital equipment to process, convey, store, or transmit information to or from the City pertaining to this Article, specifically, the application for a special event permit and related information.

"Event" means "Special event" as defined later in this Section.

¹ *Indiana Code* § 36-1-3-2 provides in the Home Rule statute that units of government are granted "all the powers that they need for the effective operation of government as to local affairs". *Indiana Code* § 36-1-4-11 authorizes the passage and enforcement of ordinances, with *Indiana Code* § 36-1-6-1 *et seq.* setting forth further enforcement powers and duties.

² *Indiana Code* § 36-4 -9 - 5 authorizes the establishment of a board of public works.

*"Event classifications"*³ are as follows:

Tier I. Neighborhood—These events attract attendees within the neighborhood. Examples include block parties and neighborhood celebrations. Anticipated attendance for these events is 500 persons or fewer.

Tier II. City—These events attract attendees from all parts of the City. Examples include small races, walks, marches, processions, and parades. Anticipated attendance for these events is 1,000 persons or fewer.

Tier III. Regional—These events attract attendees from the region. Examples include concerts, large races, carnivals and fairs. Anticipated attendance for these events is over 1,000 persons.

Special event application forms correspond to the Tier number of the special event for which a permit is sought.

Persons seeking special event permits will receive and shall complete an application form that corresponds to the Tier number by which their proposed special event is classified.

"Civic sponsored special event" means a special event sponsored by the City.

"Event organizer" means any person who conducts, manages, promotes, organizes, aids or solicits attendance at a special event or parade.

"Expediting fee" means an additional fee charged by the City when the applicant misses the filing deadline requirement and requests the Special Event Committee to act upon an application filed within a shorter period of time, causing an expediting of the internal review process required of City departments.

"Expressive activity" includes conduct, the sole or principal object of which is the expression, dissemination or communication by verbal, visual, literary or auditory means of opinion, views or ideas and for which no fee or donation is charged or required as a condition of participation in or attendance at such activity. It includes public oratory and distribution of literature.⁴

*"Fixed Routes"*⁵ means those routes approved by the Board of Public Works for 5K and 10K races and similar events with an anticipated participation of 1,000 or fewer people which are held on one of the fixed routes established by the Board.

*"Full costs"*⁶ include all direct costs and overhead costs incurred by the City for an approved event where City personnel and/or City equipment is required or deemed to be necessary.

"Governmental agency" means any agency or entity of the Federal Government, State of Indiana, or local government.

"Non-profit special event" means a special event which is sponsored by and whose special event net revenue (after reasonable costs of holding the event are deducted) will be payable to a corporation, partnership, enterprise, association or other cooperative organization having a purpose to further cultural, charitable, educational, scientific, religious, literary, amateur sports competition, hobbies, or other similar purposes recognized under Section 501(c) of the United States Internal Revenue Code and whose net revenue from the special event will be used solely for those purposes. Proof of tax exempt status by the U.S. Internal Revenue Service under Section 501(c) (3) (26 U.S.C. Section 501(c) (3)) shall qualify a sponsoring organization or entity for treatment as a non-profit Special Event under this Article.

"Parade" means an orderly procession of many persons, with or without vehicles and/or animals, through a public street for a special purpose or in celebration of an event, intended to attract spectators.

"Procession" means a group of persons or vehicles moving forward in a line or other orderly way especially as part of a ceremony, festival, or with a themed purpose such as a march.

³ Department of the Treasury Internal Revenue Service Publication 4221-NC identifies in the "Tax-Exempt Organization Reference Chart" the following by Code Section whose contributions are deductible: 501(c)(1) Instrumentalities of the United States, 501(c)(3) Religious, Educational, Charitable, Literary, Testing for Public Safety, to Foster National or International Amateur Sports Competition, or Prevention of Cruelty to Children or Animal Organizations, 501(c)(8) Fraternal Beneficiary Societies, Orders or Associations, 501(c)(10) Domestic Fraternal Societies, Orders or Associations, 501(c)(13) Cemetery Companies, 501(e) Cooperative Hospital Service Organizations, 501(k) Child Care Organizations, and 501(n) Charitable Risk Pools.

⁴ "Expressive activity" is also commonly referred to as "First Amendment Activity". In *Forsyth County, Georgia v. Nationalist Movement*, 505 U.S. 123 (1992), the U.S. Supreme Court held that a government may impose a permit requirement on those wishing to hold a march, parade, or rally; however it cannot violate Free Speech guarantees of the First and Fourteenth Amendments by examining speech content and imposing a fee on such activity due to a potential public response to such expressive activity.

⁵ Board of Public Works Resolution No. 9-1985 adopted on March 4, 1985 established five (5) fixed routes.

⁶ *Special Events Program: an Analysis of Costs, Program Development and Recommendations* published by the Revenue Bureau of the City of Portland, Oregon notes on page A1-15 that "charges for services that benefit specific users should recover full costs, including all direct costs and overhead costs."

"Profit special event" means a special event which is sponsored by and whose net revenue from the special event is not payable to an entity or entities described in the definition for "non-profit Special Event" under this Article.

"Public property" means any street⁷, public highway⁸, sidewalk, public place⁹, public way¹⁰, or watercourse¹¹.

"Sidewalk" means the part of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians¹².

"Special event" means any temporary event planned to be held on public property within the public right of way such as streets and sidewalks, that is intended to attract people and may include parades, processions, festivals, street fairs, concerts, and similar gatherings in non-residential streets, organized walks, runs, 5k, 10k, marathons, bike runs, or similar events. A residential block party is a "special event" but is subject to distinct rules. Demonstrations as defined in this Article are treated separately from special events.

"Special event permit" means a permit issued under this Article.

"Special Event Committee" means the Committee having authority to receive, review, and process all requests for special events, and to make final recommendations for approval or denial of every special event application, as provided more specifically in Section 15-161 of this Article.

"Special Event Coordinator" means the designated person within the Department of Public Works whose duties include the processing of special event application forms, application fees and service charges; the receipt and processing of payments for special events that are not made electronically, the receipt and distribution of application forms and materials to Special Event Committee members, the preparation of Special Event Committee notices, record keeping pertaining to special events and any other task necessary to the efficient administration of the special event permit process.

"Street" means the entire width between the boundary lines of every way publicly maintained when any part of the way is open to the use of the public for purposes of vehicular travel. The term includes an alley¹³.

"Special event venue" means that area for which a special event permit has been issued.

"Substantial public services" mean a material increase in the amount, scope, or level of necessary fire, police, traffic control, crowd control, or other public services above those that would be required normally without the event. With respect to police resources, substantial public services mean resources for crowd management or traffic control required for the event over and above the normal deployment of police in that geographic area of the City at the time of day during which the event is scheduled to occur.

"Tier number" See *"Event classifications."*

Sec. 15-160 Special event permit required.

(a) Except as otherwise provided in this Article, for any person or organization to-conduct, manage, promote, organize, aid, or solicit attendance at a special event, the person or organization shall be required to obtain a special event permit from the City of South Bend's Special Event Committee.

(b) The Special Event Committee is authorized to issue permits for special events proposed to occur on public property pursuant to the procedures established in this Article. The Special Event Committee is authorized to determine the special event venue, to establish reasonable boundaries, to determine public health, safety and welfare conditions, and to authorize the coordination of the issuance of a special event permit with other public agencies or departments including the Police Department, Fire Department, Department of Public Works, Bureau of Traffic and Lighting, and other entities. Each such governmental entity shall review the application submitted pursuant to Sec. 15-181 and send advisory recommendations to the Special Event Committee.

Sec. 15-161 Special Event Committee.

(a) *Establishment and purpose.* There is established a Special Event Committee to receive and review all special event applications; to issue special event permits for such events, to determine appropriate terms and conditions for such permits; to set the applicable fee including any expediting fee for any special event; and generally to administer this Article. The Special Event Committee in consultation and

⁷ "Street" is defined in *Indiana Code* § 9-13-2-73.

⁸ "Public highway" is defined in *Indiana Code* § 9-13-2-142 and *Indiana Code* § 9-25-2-4 includes parking lots.

⁹ "Public place" is defined in *Indiana Code* § 36-9-1-4.

¹⁰ "Public way" is defined in *Indiana Code* § 36-9-1-7.

¹¹ "Watercourse" is defined in *Indiana Code* § 36-9-1-10.

¹² "Sidewalk" is defined in *Indiana Code* § 9-13-2-167.

¹³ "Street" and "Alley" are defined in *Indiana Code* § 9-13-2-175.

coordination with appropriate City Departments, and other relevant organizations, shall further identify the nature and scope of City services necessary for special events in general and for any particular application.

(b) *Specific powers.* In addition to those powers included in subpart (a) of this Section, the Special Event Committee shall have the power:

- (1) to interpret and administer this Article;
- (2) to establish criteria for determining whether an event meets the definition of a special event;
- (3) to represent the City and its Department of Public Works in discussions and in making agreements with persons or organizations who apply for or who propose an event that may require a special event permit;
- (4) to require, review, and approve security and crowd control and any traffic control plans;
- (5) to accept as appropriate or applicable, a bond, escrow account or letter of credit from a financial institution in lieu of an advance deposit of a fee; to determine the appropriate insurance coverage with the City as a named insured for a special event;
- (6) to deny an application, and/or issue a permit with conditions, and/or revoke a permit;
- (7) to review periodically in consultation with Corporation Counsel or designee the fee schedule and any rules and policies for the issuance of special event permits in conformity with this Article, and to make recommendations for modification of fees to the City's Board of Public Works;
- (8) to adopt rules and or policies for its own procedures;
- (9) to do anything reasonably related or necessary to perform its specific tasks and to perform other functions that may be assigned by ordinance from time to time.

(c) *Committee composition.* The Special Event Committee shall be comprised of five (5) members. One (1) member shall be appointed by the Mayor; one member shall be the Director of Streets or that Director's designee as approved by the Public Works Director; one (1) member shall be the Director of Public Works or that Director's designee ; one (1) member shall be appointed by the City's Chief of Police and one (1) member shall be appointed by the City Fire Chief. Each member shall serve indefinitely unless he/she resigns, is replaced by a successor in office, or is replaced by the designated appointing party.

(d) *Committee meeting to determine issuance or denial of special event permit; applicant presence required.* The Special Event Committee shall meet regularly and as frequently as it determines appropriate to discuss and determine whether a special event permit shall be granted and issued. The applicant shall be given reasonable advance electronic notice of the meeting and shall attend the meeting to provide information and answer questions about the special event as the Committee deems appropriate. For persons who may submit applications over the counter, notice of the Committee meeting shall be given by U.S. mail. For purposes of Indiana's Open Door law (Ind. Code §5-14-1.5), a meeting of the Special Event Committee is a public meeting.

(e) *Denial of permit or issuance of permit with conditions.*

- (1) The Special Event Committee's decision to deny a special event permit shall be in writing with reasons stated for denial, and shall be communicated promptly to the applicant, either in person, by overnight delivery through a carrier that provides proof of delivery, or electronically. Electronic delivery shall also be accompanied by regular surface mail to be posted within 24 hours of electronic notice.
- (2) The Special Event Committee may deny a special event permit for any of the following reasons or for any other good cause:
 - (i) The applicant supplies false or misleading information; fails to complete the application or to provide other required documents.
 - (ii) The applicant willfully fails to comply with a requirement or Regulation of this Article.
 - (iii) The application is untimely.
 - (iv) The applicant or event sponsor previously engaged in conduct or activity which resulted in jeopardizing the public health, safety or welfare.

- (v) The proposed event is proximate to another Special Event previously permitted or scheduled such that the City after making reasonable efforts to accommodate both events, is unable to reasonably accommodate both events.
 - (vi) The proposed event would unreasonably disrupt the orderly or safe circulation of traffic so as to present an unreasonable risk of injury or damage to the public.
 - (3) The Special Event Committee may issue a special event permit with conditions placed upon the event in the best interest of public health, safety, or for other reasonable cause.
 - (4) If the Special Event Committee is unable to reach a determination of whether or not to issue a special event permit, it shall refer that application to the Board of Public Works for final determination, and the Board shall act as expeditiously as possible on the application.
- (f) *Review of the Special Event Committee's denial of permit or issuance of conditional permit.* An applicant may request administrative review of a Special Event Committee's denial of a special event permit application or may appeal conditions placed by the Committee upon such permit. Review shall be made to the City's Board of Public Works. The request for review must be delivered to the City Department of Public Works within three (3) business days from denial or issuance of the conditional permit. Hearing on the request for review shall be placed on the Board of Public Works' next soonest agenda. A request for review shall contain a short, plain, reasonably clear statement of why the Committee's decision should be reversed or amended. A request for review should be filed electronically.
- (g) *Feedback from Applicants.* To assist the Special Event Committee in the efficiency of its processing of special event permit applications, the Special Event Committee shall request applicants to participate in a post-special event survey.

Sec. 15-162 Limited exception to Special Event Permit requirements.

- (a) A special event permit is not required for:
- (1) Funeral processions¹⁴;
 - (2) Activities conducted by a governmental agency acting within the scope of its authority;
 - (3) Lawful picketing on sidewalks¹⁵;
 - (4) Demonstrations which do not involve the use of motor vehicles, animals, fireworks; or pyrotechnics provided that:
 - (i) No fee or donation is charged or required as a condition of participation in or attendance at such Demonstration; and
 - (ii) The Chief of Police of the South Bend Police Department, or his official designee, is notified at least seventy-two (72) hours in advance of the commencement of the Demonstration, as further addressed in Section 15-167;
 - (5) Fireworks display involving the assembly of people gathered on public property for the primary purpose of watching such fireworks display;
 - (6) Any parades, exhibitions, or meetings governed by the Board of Park Commissioners pursuant to *South Bend Municipal Code §19-48 et seq.* However, the special event application forms used by the Board of Park Commissioners shall be nearly identical in substance to the forms used by the Special Event Committee.
 - (7) A civic sponsored event. However, such event shall comply with any and all other regulations in this Article or as prescribed by the Special Event Committee or the Board of Public Works. The organizers of such event shall provide notice of the event to the Special Event Committee within the deadlines required in this Article along with event plans, and shall meet with the Special Event Committee for recommendation as to public safety and logistics.

Sec. 15-163 Filing deadline and fee for special event applications; waiver of strict filing deadline.

- (a) No application for a Tier II or Tier III Special Event will be accepted if filed in less than 30 days of the date the special event is to take place, and no application for a Tier I (neighborhood) special event will be accepted if filed in less than fourteen (14) days before the special event is to take place. In requesting

¹⁴ "Funeral processions" are governed by *Indiana Code* § 9-21-13.

¹⁵ "Picketing" and "assembly" are addressed in *Indiana Code* § 22-6-1-4.

special event permits, applicants are encouraged to file their application in advance of the required deadlines set forth below to best assure that their special event will not conflict with another special event.

(b) Fully completed applications for all Tier II and Tier III special events should be filed no less than 60 days before the special event is to take place.

(c) Fully completed applications for all Tier I (neighborhood/residential) special events should be filed no less than 45 days before the special event is to take place, and no application for a Tier I special event will be accepted if filed more than 180 days before the Tier I special event is to take place .

(d) All Tier II and III special event applications shall be accompanied by a non-refundable filing fee of fifty dollars (\$50.00). However, an event organizer of more than one substantially similar event being held on different dates within six months of the same calendar year, may file for such similar and recurring special events at one time with payment of one filing fee. Each special event within such multi-event application is subject to separate charges for cost recovery as provided in Division II of this Chapter. The filing fee adjustment of this Section applies only when one application is filed for more than one substantially similar and recurring special event. This multiple event filing fee adjustment does not prevent or waive assessment of an expediting fee for any one or more special event(s) within a multiple event application as to which a waiver of filing deadline is granted by the Special Event Committee and for which an expediting fee is applicable under subsequent Section 15-164.

(e) All Tier I special event applications shall be accompanied by a non-refundable filing fee of twenty-five dollars (\$25.00). The application fee may not be waived or modified by the Special Event Committee.

(f) In light of the City's policy to encourage the holding of special events and parades within the City limits, deadline requirements established in this Article should be strictly adhered to. The Special Event Committee or the Board of Public Works when reviewing a Special Event Committee decision may waive strict compliance with the deadline requirements but only when such waiver is based on a thorough assessment of the facts taking into account prior similar cases, and when it is consistent with the responsibility of protecting the health, safety and welfare of the City. No waiver shall be granted for any Tier II and III special event application filed in less than 30 days from the date the special event is to take place, and no waiver shall be granted for any Tier I special event application filed less than 14 days before the special event is to take place.

Sec. 15-164 Expediting fee required when filing deadlines are waived.

In those limited circumstances where the Special Events Committee or the Board of Public Works waives strict compliance with the timing deadlines for filing an application for special event permit, the required non-refundable application fee shall be doubled in amount to help offset the expedited reviews required to be conducted by the Special Event Committee to assure the health, safety and welfare in a reduced period of time. An expediting fee will be required if a Tier II or III special event application is permitted to be filed between 59 and 30 days in advance of the event. An expediting fee will be required if a Tier I event application is permitted to be filed between 44 and 14 days before the event is to take place.

Sec. 15-165 Filing of special event application or demonstration form by electronic means.

(a) The City shall maintain a reasonably prominent link on the City's website for filing and receiving application forms for a special event or for a Demonstration as required by Section 15-173 of this Article, and all persons requesting a special event permit or providing Notice of a Demonstration shall file and process all such requests by electronic means.

(b) Persons who verify that they do not have direct use of or access to electronic means of communication may file their applications in person or by mail in the office of the Clerk of the Board of Public Works. In the event of universal power outage, applications in person or by mail will be accepted. All persons are encouraged to use electronic means of filing and the Clerk of the Board of Public Works may reject for good cause a special event application or Demonstration Form not filed by electronic means. This shall not apply when in conflict with the accommodation requirements of the Americans with Disabilities Act (ADA) or similar law.

Sec. 15-166 Requirements for use of city seal or name.

(a) Approval of a special event application shall not constitute the City of South Bend's endorsement of the special event, nor does it entitle the applicant or the event organizer to use the City of South Bend's seal or a facsimile thereof, or the City's flag, or its flag's graphic symbol as part of advertising, promotion, or holding of the special event.

(b) An Applicant or event organizer desiring to use the name of the City of South Bend, or its seal or facsimile, or the City's flag, or its flag's graphic symbol for the applicant or event organizer's special event must apply to the Board of Public Works for authorization of such use. Revenue sharing by the applicant or event organizer other than a City Department, Board, Commission or agency may be required as a condition of such Board of Public Works approval of the right of use.

(c) Prior notice and proof of such notice from the City Clerk is required for an event organizer to use the City seal or facsimile thereof, or the City's flag, or its flag's graphic symbol.¹⁶

Sec. 15-167 Regulations addressing demonstrations—Demonstration Form.

(a) Any person organizing a demonstration where twenty-five or more persons are reasonably expected to participate shall complete and file a Demonstration Form with the Clerk to the Board of Public Works not less than seventy-two (72) hours in advance of the demonstration. Upon receipt of such completed Demonstration Form, the Clerk shall immediately send it to the Police Chief. There shall be no fees charged to the person providing information about the proposed demonstration for processing this form by the City.

(b) No person shall be required to obtain a separate special event permit for a demonstration unless such activity will likely result in the obstruction of City streets and/or sidewalks or will likely compromise the ability of the City to respond to a public safety emergency.

(c) If a demonstration is held without a permit, the participating persons shall be required to disperse if the police determine that public safety is being jeopardized because of actual or threatened harm. In such cases, police must communicate the order directing the participating persons to disperse peacefully before taking action to cause such dispersal.

(d) Persons participating in or attending a demonstration shall not carry or have on their person tools or implements that could reasonably be used to cause bodily injury to self or to another. Such items specifically include but are not limited to the following: torches, bricks, knives, daggers, swords, machetes, ice picks, shields, nun chucks, helmets, golf clubs, wrist rockets, chains, baseball bats, axes or axe handles, frozen water bottles, aerosol sprays, containers filled with flammable or biohazard material, and sticks, pipes, or slabs of wood which could be used as a weapon. Reasonably sized sticks or pipes used solely to raise and hold flags, signs, or banners are permissible if used for that purpose

- (1) Public safety officers shall have discretion to determine upon reasonable belief or inference whether other items not specifically listed herein constitute a weapon.
 - (2) Any tool, implement or similar item constituting a weapon in the reasonable opinion of a public safety officer may be confiscated by that officer in the interest of public safety.
 - (3) This weapon prohibition shall apply to any place within a 500 foot radius of the area where the demonstration is taking place, that is, the point or points where the spectators attending the demonstration has/have visibly ended.
- (e) It is further prohibited for persons to participate in or attend a demonstration while wearing any mask, device, or hood by which any portion of the face is so hidden or covered as to conceal the identity of the wearer except for children under age 13 or workers wearing masks for safety reasons.

Sec. 15-168 Board of Public Works to maintain special event and parade instructions, application forms, event checklist, event evaluation, contact information and other data on City website.

(a) The City's Board of Public Works shall maintain and post on a designated City Website all Application Forms, List of Required Non-Application Fees, Costs, Recovery Schedules, City Contact Information, Board approved Fixed Route Maps, Affidavit Forms in Support of Waiver or Modification of Insurance Requirements, Instructions, brochures, planning guides, and other data promoting education and public transparency.

(b) The Board of Public Works shall also maintain and regularly update on said website additional information which includes but is not limited to the following:

- (1) Citizen Access Portal which includes instructions, brochures, checklist, application forms, affidavits, waiver request forms, and related information;
- (2) Master Calendar listing current and upcoming Special Events, Parades and Demonstrations approved by the Board by date, name, access to more detailed information;

¹⁶ Indiana Code § 36-4-10-4 designates the City Clerk as the keeper of the City Seal.

- (3) Links to agencies and organizations relevant to the application process;
 - (4) Special Event Permit Process and Regulations summarizing permit fees, requirements addressing street/area closures, security, food and alcohol; health and medical, fire prevention, clean-up, barricades and cones, cost recovery, and related information.
 - (5) Fixed Route Maps established by the Board of Public Works.
- (c) The Board of Public Works is authorized to maintain additional avenues of communication to disseminate information addressing alerts which may impact a special event and/or parade, maps, upcoming civic sponsored events, and demonstrations.

Sec. 15-169 Designation of Civic Sponsored Special Events.

- (a) Special events organized or sponsored by the City as a whole or by any one Department shall be designated as civic sponsored special events. All costs for civic sponsored special events under this subpart shall be borne in whole by the City Department organizing or sponsoring such special event.
- (b) The City may choose to designate as a civic sponsored special event a special event organized or sponsored by a third party, and shall have specific discretion to assume all or part of the cost of such civic sponsored special event in the best interest of the City. To qualify for possible civic sponsorship, a special event must be without fee or charge to participants; the organization holding or primarily benefitting from the special event must be non-profit as defined in Section 15-159 of this Article; the event must generate significant City interest, civic participation, and be a Tier II or II special event. The City shall have specific discretion to decline to bear all costs of such a designated civic sponsored special event
- (c) Each civic sponsored special event shall comply with all applicable regulations of this Article, except for the payment of all or some fees or cost recovery charges.

Sec. 15-170 Reserved for Future Use.

Division II. Cost Recovery Program for Special Events.

Sec. 15-171 Purposes.

- (a) Identification and coordination with all City departments and other City governmental entities to assure that the public health, safety and welfare are protected, are critical components to the City's hosting of vibrant events in many public venues.
- (b) The nature and scope of such governmental services must be assessed and reviewed through internal reviews of assigned City department personnel, in order to carry out such responsibilities. Often, this assessment results in substantial public services required to be provided. Each affected City department is required to recommend the level of each type of public service needed to be assigned for an event upon receipt of a copy of an application for a special event from the Special Event Coordinator to the Special Event Committee. That Committee shall review each such advisory recommendation and make the final determination of the level of necessary public services required, which shall be subject to the cost sharing provisions set forth in this Division.

Sec. 15-172 Cost Recovery Program Established.

- (a) In order to systematically and objectively address the purposes set forth in this Article, a Cost Recovery Program is established for certain special events proposed to be scheduled in the City.
- (b) Recognizing the variety in types proposed events, the variety of applicants and/or event organizers, and the varying level of required governmental services which may be required to protect the public health, safety and welfare, a cost sharing program is determined to be the most fair and equitable method to properly balance having such events held in the City with the required costs of providing needed City governmental services.¹⁷

Sec. 15-173 Costs, Fees, Charges Associated with Special Events - Posting on Website Required; Deposit of Police Cost Recovery Monies into Fund # 220.

- (a) Full costs for all direct costs and overhead costs incurred by the City for City personnel and the use of City equipment shall be based upon the following most current documents:

¹⁷ *Special Events Program: An Analysis of Costs, Program Development and Recommendations* published by the Revenue Bureau of the City of Portland, Oregon is on file with the Office of the City Clerk. It contains a summary of charts comparing various types of cost recovery of city services programs in effect in approximately twenty cities throughout the USA. U.S. Department of Transportation's *Planned Special Events: Cost Management and Cost Recovery Primer* was consulted which studied policies and procedures in Baltimore, Boston, Ithaca, Los Angeles, New York, Philadelphia, Phoenix, Seattle, and Washington, D.C. and focused on "Cost Recovery Best Practices".

- (1) Board of Public Works Resolution approving a Schedule for Material Rental governing such items as barricades, barriers, fencing, traffic cones, concrete barrier, etc.; and
- (2) Board of Public Works Resolution approving Schedule for Equipment Rental governing such items as bleachers, platforms, scaffolding, grandstands, stage, etc.; and
- (3) Common Council Ordinances fixing wages, salaries, overtime rates and holiday pay; minimum hours of assignment requirements; etc.; and
- (4) Board of Public Safety Resolution approving the minimum staffing time increments for public safety personnel, if any, and the per hour costs for providing equipment, by type, from the South Bend Police Department and the South Bend Fire Department.

Schedules of the above shall be posted by the Clerk to the Board of Public Works and updated on a reasonably regular basis so that accurate information is on-line.

(b) All monies collected for public safety services provided by sworn members of the South Bend Police Department shall be deposited into Fund # 220, Law Enforcement Continuing Education Fund.

Sec. 15-174 Cost Sharing Provisions Governing Special Events.

- (a) Cost sharing for a special event shall be based on the following criteria:
- (1) The type of proposed event for purposes of public support. These categories are: (a) a “civic sponsored event” under Section 15- 169; (b) a profit special event; or (c) a non-profit special event, both latter terms as defined in Section 15-159 of this Article; and
 - (2) The type of event classification, that is, Tier I, Tier II, or Tier III as defined in Section 15-159 of this Article.
- (b) The cost recovery charge is separate and distinct from the non-refundable application fee and any expediting fee required for a special event under Sections 15-163 and 15-164 of this Chapter.

Sec. 15-175 Cost recovery charges.

- (a) The City will absorb a portion of the costs and expenses incurred by the City directly related to a “Non-profit special event” as defined in Section 15-159. These absorbed expenses shall be equivalent to up to thirty two (32) hours of South Bend police officer time at each officer’s base rate or overtime rate of pay depending on event schedule; plus up to eight (8) hours of other City personnel time including traffic and lighting staff at each person’s base rate or overtime rate of pay depending on event schedule. Any additional staff needed will require full reimbursement from the organizer. The prevailing, applicable salary ordinance approved by the Common Council for the year in which the event occurs shall determine such cost equivalents. All expenses over and above the costs and expense equivalents specified herein must be reimbursed to the City by the non-profit organizer or sponsor of the event.
- (b) An organization sponsoring a “Profit special event” as defined in Section 15-159 shall be responsible to the City for payment of all costs and expenses incurred by the City relating to that special event.
- (c) A Tier I special event is exempt from cost recovery charges due to the minimal City services required for such special events.
- (d) The City will absorb all costs and expenses related to a civic sponsored special event organized by the City itself or a City Department, and at its discretion will absorb all or part of the costs and expenses of a civic sponsored special event under Section 15-169 (b) of this Article .
- (f) Any expenses constituting material costs shall be reimbursed to the City at their reasonable retail value.
- (g) Cost Recovery Invoice: The Special Event Committee will provide the applicant or event organizer with an estimated Cost Recovery Invoice during the approval process detailing any and all costs and charges, which are over and above the non-refundable application fee. Payment of one half of such costs and charges is required no less than four (4) days in advance of the event. Within 30 days after the special event, the City will provide the applicant or event organizer with a final Cost Recovery Invoice detailing actual costs and charges incurred for the special event, and that remainder is payable within fourteen (14) business days from date of invoice.
- (h) Additional Charges/Costs: The City shall have the right to assess additional costs for litter and refuse collection to the extent that the applicant or event organizer fails to meet the obligations set forth in

its clean-up plan, as well as bill for additional charges that will be set forth in the final cost recovery invoice of any verifiable damages or loss caused to City material, equipment or property known by the City to have been caused during the event.

(i) Refunds: In the event that it is determined by the City that the applicant or event organizer overpaid for Cost Recovery, the City shall refund money based on information from the City Controller or his/her designee within thirty (30) days of knowledge by the City of an applicant's overpayment.

(j) Postponement or Cancellation: An applicant or event organizer is responsible for notifying the Clerk to the Board of Public Works immediately upon the postponement or cancellation of an event. The applicant or event organizer shall be charged for any City services provided in advance of the event up through the time of notification.

Sec. 15-176 through Sec. 15-180 Reserved for Future Use.

Division III. Special Event Application and Regulations.

Sec. 15-181 Special event permit application form requirements - non-refundable application fee.

Application and Required Attachments: Unless otherwise provided by this Article, a special event permit application requires the following information:

- (a) Name, address, telephone number and email of applicant and contact person; and
- (b) Certification that the applicant will be financially responsible for any City fees and/or costs which may be imposed pursuant to this Article; and
- (c) Name, address, telephone number and email of the event organizer, if any; and
- (d) If the special event is designed to be held by, on behalf of, or for any organization other than the applicant, the applicant for the special event permit shall file a document from such organization which:
 - (1) Authorizes that the applicant may apply for the special event permit on its behalf; and
 - (2) Certifies that the applicant or event organizer will be financially responsible for any fees and/or costs which may be imposed pursuant to this Article; and
- (e) Classification of special event:
 - (1) Civic sponsored special event
 - (2) Non-profit special event
 - (3) Profit special event

An applicant who designates itself under the non-profit classification is required to provide a copy of the IRS ruling or determination letter certifying its qualification as a non-profit or charitable organization under Section 501 of the Internal Revenue Code. If the non-profit organization has not received IRS approval or certification of tax exempt status, it must furnish satisfactory proof of its qualification as a non-profit entity. If the applicant applied for but was denied tax exempt status by the IRS, it must provide proof of denial, and the Committee or Board may disqualify the event under the non-profit classification.

- (f) Name of the official charity partner, if any, of the event; and
- (g) Statement of Purpose of the proposed special event; and
- (h) Statement of any fees to be charged for the special event if not a parade. If a parade, statement of fees to be charged to participate in the proposed parade; and
- (i) Number of sponsors at each level of partnered sponsorship, if any, of the event; and whether the event has different categories of activities, and the number of anticipated participants in each category, or if a parade, the number of volunteers who will be assisting the applicant along the proposed parade route; and
- (j) Approximate number of persons attending the special event, including but not limited to vendors, attendees, and participants; and
- (k) Proposed date(s) and times of the proposed special event; and

- (l) Approximate times when assembly for, and disbanding of, the proposed special event is to take place; and
- (m) Proposed geographic location which identifies locations and duration of any proposed event closures, including route and traffic plan and map detailing the starting point and termination point; whether any TRANSPO bus route changes will be needed; notification process to be used to give notice to residents, business owners, motorists of the streets and/or sidewalks which will be temporally closed; and
- (n) Proposed Site Plan, including the location of structures, compliance with ADA regulations,¹⁸ electrical [including description of any sound systems or other electrical devices to be used], sanitation, and plumbing; and
- (o) Proposed plan for bicycle parking and whether alternative transportation arrangements exist which address an emission reduction plan; and
- (p) Location(s), if applicable, of provisions for consumption of food and/or alcoholic beverages; and
- (q) Location, size, and description of any signs, banners, or similar advertising or promotion materials to be used on site; and
- (r) Location and duration of any entertainment which will be provided or present, including a list of entertainers, bands or performers; and
- (s) Proposed emergency safety plan, including but not limited to the number of Indiana Law Enforcement Academy (ILEA)¹⁹ certified officers, fire, and emergency medical personnel, noting the need to use any of the City's public services and/or private resources; proposed internal communications systems and public-address systems; and
- (t) Lost and Found plans including a description of the usage of signage, announcements on public address systems or pre-event handouts,
- (u) Proposed traffic management plan, including but not limited to provisions of personnel and location of proposed loading areas, barricades, secured areas, and parking areas and, in the case of a parade, location of proposed barricades and/or viewing stand bleachers that will be needed; and
- (v) Proposed sanitation plan, including but not limited to the provisions of toilets and wash stations, including the number of those compliant with the ADA;
- (w) Proposed clean-up plan to recycle, to remove waste, trash and litter, including but not limited to the need to use of City's public services and/or private resources; and
- (x) Inclement weather plan in the event of a tornado warning, tornado watch, thunderstorm, dangerously high or low temperatures, and the alert system proposed for those participating; and
- (y) Mitigation of Impact plans which provide community and public notice of potential impact of proposed event and for a parade, the potential impact of the proposed parade on residents and businesses which may be affected by the proposed parade route; and.
- (z) Additional Requirements: At the time of filing a completed application, the applicant shall file:
 - (1) Certificate of Insurance confirming the existence of a liability policy of not less than \$700,000 per occurrence and \$1,000,000 aggregate, which specifically names the City of South Bend, Indiana, as an additionally named insured for the event, unless specifically waived in whole or in part by the Board of Public Works; and
 - (2) Indemnification Agreement: The applicant for a special event permit and if there is an event organizer, must further agree to jointly and severally indemnify and hold the City harmless against liability for any and all claims for damage to property, or injury to, or death of, persons arising out of or resulting from the

¹⁸ *ADA Standards for Accessible Design* and *ADA Title Two Technical Assistance Manual* address regulations addressing ADA standards for accessible areas, entrances, paths of travel, parking and transportation, restroom, tables and concessions, seating, signage and publicity and communication.

¹⁹ The Indiana Law Enforcement Academy in Plainfield, Indiana, is "Indiana's center for law enforcement education. The Academy prepares law enforcement professionals for service through rigorous training based upon values and respect".

issuance of a permit under this Division or the conduct of the special event or its participants; and

- (3) Proof of confirmation of any additional licenses, permits and documentation from other agencies which are required for the event; and
- (4) Affidavit of Applicant: The applicant must certify on a form provided by the City, by affirmation, that information provided in the application and additional documentation is true and correct; and that the applicant agrees to comply with all applicable local, state and federal regulations; and
- (5) Public Disclosure Information: The City recognizes that the public has a legitimate interest in being informed about special events, particularly as they directly relate to potential impacts on areas surrounding such events. Accordingly, the information provided by the applicant addressing the following shall be subject to public disclosure:
 - (i) Event Title
 - (ii) Event Summary
 - (iii) Name and Contact Information for Event Organizer
 - (iv) Event Website Address
 - (v) Dates and Times of the Event
 - (vi) Location of the Event
 - (vii) Projected Attendance/Participants
 - (viii) Participation/Attendance Fee(s)
 - (ix) Additional Public Contacts
 - (x) Community Outreach Efforts
 - (xi) Fees, costs, and charges incurred

(6) Non-refundable application fee of Fifty Dollars (\$50.00) for Tier II and III special events, and Twenty-five Dollars (\$25.00) for a Tier I special event made payable to the City.

- (aa) Additional Requirements for Parades: If the special event is a parade, an applicant must not only include in its special event permit application the information described in Sec. 15-181(a) – (z) but also the following information:

- (1) Approximate number of persons who would witness the proposed parade along the route proposed; and
- (2) Date, time and estimated duration of the parade, including the time when registration is proposed to begin, the proposed time needed to organize before and disperse after the parade, and any possible alternative dates and times; and
- (3) Description of the route to be traveled, including the proposed starting point, the identification of and the directions to be followed on all streets, the termination point; and any areas proposed to be used to set up before and disperse after the parade; and
- (4) Map of the proposed route to be traveled clearly delineating all of the proposed affected streets, compass coordinates, and any anticipated street closures which may be needed; including the locations where traffic security officers will be necessary; and
- (5) Approximate times when assembly for, and disbanding of the proposed parade is to take place; and
- (6) Whether the proposed parade is a new or a recurring event; and
- (7) Approximate number and types of animals, vehicles, and floats which will constitute the parade; and
- (8) Description of any sound amplification equipment to be used in connection with the parade, if any; and (17) Lost and Found Plan including description of usage of signage, PA announcements, and/or pre-parade handouts

Sec. 15-182 Special event permit application review criteria.²⁰

(a) *Application Review:* Applications filed with the Special Events Coordinator shall be referred to the Special Event Committee. The Special Event Committee shall determine whether a special event permit should be issued based on the following criteria:

- (1) Whether the information contained in the application required by this Division is complete, whether it is incomplete and has not been addressed after being advised by the City, or contains misleading or false information;
- (2) Whether there is adequate traffic management based on the time, place, or size of the proposed special event, including its impact on areas contiguous to the proposed special event location, including the assembly area(s) around a proposed parade route, whether it will unreasonably interfere with the safe and expeditious movement of pedestrian and vehicular traffic, ingress or egress to or use of adjoining private property, or unreasonably disrupt the use of a street when it is usually subject to significant traffic congestion;
- (3) Whether there are sufficient crowd control measures, including accessibility for ingress/egress, and emergency access for public safety personnel;
- (4) Whether the proposed special event would present an unreasonable danger to the health or safety of participants or other members of the public, or cause damage to public or private property;
- (5) Whether the conduct at the proposed special event would require the assignment or deployment of sworn members of the Police Department resulting in a substantial public service being delivered by that Department and the anticipated costs for such deployment needed to protect public health and safety, persons and property;
- (6) Whether a permit has been granted for the same time and approximate location, or would unreasonably interfere with another parade or special event for which a permit has been issued;
- (7) Whether the proposed special event would substantially interfere with any construction or maintenance work schedule(s) along the proposed parade route;
- (8) Whether there is adequate health and/or medical services provided to address hydration and sanitation needs of those participating in the proposed special event;
- (9) Whether there is adequate recycling and waste collection services proposed to be provided;
- (10) Acknowledgement of any additional requirements addressing temporary signs, temporary structures, vacant structures, and applicable building and/or zoning requirements;
- (11) Whether the applicant has previously violated the provisions of a similar permit or has violated City ordinances, or any other regulations in connection with a previous special event in the City;
- (12) Whether the applicant demonstrates an inability or unwillingness to conduct an event pursuant to the terms and conditions of this Article;
- (13) Whether the proposed special event would have a substantial impact and/or be required to use substantial public services, which in such case, a cost sharing fee, calculated pursuant to Division II of this Article, shall be made a condition of the issuance of the special event permit; and
- (14) Any other conditions the Special Event Committee believes are necessary to protect the public health, safety and welfare of the City and its residents.

(b) From a consideration of the completed application and from such other information as may otherwise be obtained, if the applicant has satisfactorily addressed all of the applicable requirements in this Article, the Board of Public Works may authorize the issuance of a Special Event Permit to the applicant.

Sec. 15-183 Special event permit - issuance, contents, display -- nontransferable.

²⁰ "Planning and Managing Security for Major Special Events: Best Practices for Law Enforcement Administrators" published March 2016 in the *Police Chief Magazine* was used in the preparation of this Section. This publication reviewed topics such as: guiding principles, planning/managing, threat-and risk assessment, business impact, radio communications, personnel and training, management during and after the event and post-event activities which was used in the drafting of these regulations.

- (a) The Special Event Committee shall take final action upon a completed application for a special event permit as soon as practicable.
- (b) Final action on a completed special event permit application shall consist of one (1) of the following:
 - (1) Authorization that a special event permit be issued in accordance with the terms of the completed application found to be in compliance with this Article; or
 - (2) Authorization that a special event permit be issued in accordance with terms and conditions modified and agreed to between the Board of Public Works and the applicant; or
 - (3) Denial of the special event permit application by the Special Event Committee with notice being given by the Committee to the applicant of provisions for review by the Board of Public Works as set forth in Section 15-161(f) of this Article.
- (c) Each special event permit authorized to be issued by the Special Event Committee must contain the following information or conditions:
 - (1) Date(s) and hours of the approved special event;
 - (2) Geographic boundaries of the approved special event location;
 - (3) Conditions or restrictions imposed;
 - (4) Special event permit number; and
 - (5) Other information the Board of Public Works deems appropriate for the conduct of the special event and the enforcement of this Article.
- (d) Each special event permit authorized to be issued by the Special Event Committee for a parade must contain the following information or conditions when applicable:
 - (1) Starting date, time and durations of the parade;
 - (2) Minimum and maximum speeds for the parade;
 - (3) Maximum interval of pace to be maintained between the units of the parade;
 - (4) Portions of any public way, sidewalk or public area to be traversed, utilized, or occupied;
 - (5) Maximum length of the parade in miles or fractions thereof;
 - (6) Conditions or restrictions imposed;
 - (7) Parade permit number; and
 - (8) Other information the Special Event Committee deems appropriate for the conduct of the parade and the enforcement of this Article.
- (e) A copy of the special event permit shall be displayed in the special event venue in the method prescribed by the Board of Public Works applicable to the particular event and shall be exhibited upon demand of any City official.
- (f) A special event permit is non-transferrable.

Sec. 15-184 Designated parade route.

- (a) Except where the applicant for a special event permit for a parade demonstrates to the satisfaction of the Special Event Committee, that there are factors requiring an exception, all parades shall confine

Sec. 15-185 Notice of granting special event permit - responsibilities of Special Event Coordinator.

Upon the Special Event Committee authorizing the issuance of a Special Event Permit, the Special Event Coordinator shall be required to see that:

- (a) Notice of such approval is sent to the applicant and to all affected City Departments and to any other persons or entities involved with the implementation of the special event.
- (b) Update the City's website by listing the date, name, access to more detailed information about the special event required by Section 15-163.

Sec. 15-186 Date of special event not confirmed until permit issued.

No date shall be considered confirmed until a special event permit is issued by the City.

Sec. 15-187 Duties of applicant issued special event permit.

An applicant whose special event permit application was approved and is issued a special event permit by the City shall comply with the governing regulations in this Article and any additional conditions or restrictions imposed by the Board of Public Works.

Sec. 15-188 through Sec. 15-192 Reserved for Future Use.

Division V. Enforcement and Penalties.

Sec. 15-193 Violations; remedies.

(a) A violation of any provision of this Article shall be punishable as provided in South Bend Municipal Code Section 1-23.

(b) Additionally, whenever an event is conducted without a obtaining a permit required by this Article, the event organizer shall be responsible for, and the City shall charge the event organizer for, all City costs incurred as a result of the adverse impacts of the event on City services, and any damages to public property which may have been caused from such event being unlawfully held.

(c) Any person engaged in the selling or distributing of illegal, non-licensed, or unauthorized merchandise, regardless of whether said person has received a permit under this Article, shall be subject to the immediate impoundment of said merchandise. Any Indiana Law Enforcement Academy certified officer employed by the event sponsor for copyright and merchandising purposes shall be authorized to inspect the merchandise of licensed entities related to copyright infringement and trademark violation.

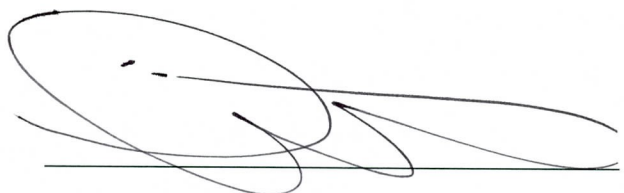
Sec. 15-194 Police Department; other powers.

Nothing in this Article shall act to limit or otherwise prohibit the Police Department from exercising its authority as provided in this South Bend Municipal Code or the Indiana Code.

Section II. If any part, subsection, section, paragraph, sub-paragraph, sentence, clause, phrase or word of this ordinance is for any reason declared to be unconstitutional or otherwise invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section III. This ordinance hereby repeals as unnecessary Chapter 14, Article 11, Sections 14-93 through 14-95 inclusive of the South Bend Municipal Code, the relevant content of which has been incorporated into this new Chapter 15. Former Article 11 of this Chapter and its Sections are reserved for future use.

Section IV. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and legal publication with an effective date of January 1, 2019.



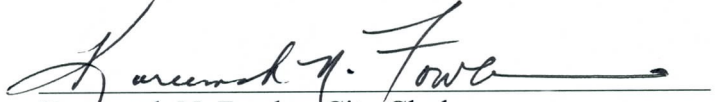
Tim Scott, Council President
South Bend Common Council

Attest:



Kareemah N. Fowler, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the 10th day of December, 2018, at 2 o'clock P. m.



Kareemah N. Fowler, City Clerk
Office of the City Clerk

Approved and signed by me on the 11th day of December, 2018, at 2 o'clock P. m.



Pete Buttigieg, Mayor
City of South Bend, Indiana

1st READING 10/8/2018
PUBLIC HEARING 12/10/2018
3rd READING 12/10/2018
NOT APPROVED
REFERRED
PASSED 9/9