ORDINANCE NO. 031224C

An Ordinance Establishing a Procedure to Obtain a Special Events Permit

WHEREAS, the Town of McCordsville (the "Town") is a political subdivision existing under the provisions of Ind. Code § 36-5-1, *et. seq.*;

WHEREAS, the McCordsville Town Council (the "Council") is the fiscal body of the Town and is responsible for the adoption of and amendments to all local ordinances;

WHEREAS, each year, the McCordsville community continues to grow and expand, which results in an increase of special events occurring within the town's jurisdictional limits;

WHEREAS, such special events have the ability to impact the Town's resources and affect the town's normal flow of traffic, require street closures, and/or create public safety issues that impact neighboring properties;

WHEREAS, the Council desires to adopt an ordinance to ensure that all special events held in the Town are permitted;

NOW, THEREFORE, be it ordained by the Town Council of the Town of McCordsville, Indiana, that a new Special Events ordinance shall be defined, followed, and enforced as follows:

Section 1:

DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"SPECIAL EVENT."
A. A Special Event is:

(1) An outdoor gathering to which people are invited or are encouraged to attend; and
(2) Reasonably anticipated to cause the following:
- Impact the normal flow of traffic; and/or
- Require the temporary closure of public/private streets or rights-of-way to accommodate the event;

This can be identified by the Owner or the Police Chief, or his designee, based either upon past experience with the same event or experience with other events of a similar nature.

B. A Special Event may also, but is not required, to include the following:

(1) The presentation of live or recorded vocal or instrumental music by means of amplified sound; or
(2) Anticipated to exceed the location's designated parking spaces available; or

(3) Attendance of 500 or more.

"CENTRAL BUSINESS DISTRICT." The area encompassed by the following description: East: Civic Drive; South: CR 750N; West: CR 600W; and North: W Broadway.

"OWNER." The owner of real property as shown in the records maintained by the Auditor of Hancock County. If there is more than one owner of real estate, they shall be treated as one owner for purposes of this ordinance.

PERMIT REQUIRED

(A) Except as herein provided, no Special Event shall be held within the Town, without a permit for such event having first been obtained by the Owner.

(B) Special Event permits shall be issued by the Town Manager in accordance with the Town's internal approval process.

(C) All Special Event permit applications shall be submitted to the Town Manager and/or Assistant Town Manager no more than 365 calendar days before the planned Special Event, and no less than 45 days prior to the proposed date of the Special Event. The Town Manager shall have the ability to waive the 45-day requirement upon a showing of good cause.

LIMITATION ON PERMITS.

Except for events held in the Central Business District, no more than 6 Special Event permits will be issued to an Owner in any one calendar year.

GENERAL PROVISIONS FOR SPECIAL EVENTS.

(A) Special Events reasonably expected to affect the normal flow of traffic or require street closures may require safety personnel to help direct and/or regulate traffic. During the internal review process, the Police Chief or his designee will make a recommendation, based upon the totality of the circumstances made available in the application, whether any such qualified, safety personnel will be required, and, if so, the number of persons required. Off duty sworn officers may be utilized. If available, the Town may also provide a list of approved vendors that provide the safety services identified herein.

(B) Permits shall be issued per event and may extend over consecutive calendar days, not to exceed 3 days or 72 hours. An Owner is limited to two permits under this provision per calendar year unless the Owner qualifies for the Exception.

(C) The use of any amplified sound or music and/or the level of noise in general shall be maintained in accordance with the Town's noise ordinance.

(D) An Owner will be required to provide trash collection and cleanup of the event site, adjoining properties, and public thoroughfares immediately upon conclusion of the event. If the Owner fails to satisfactorily provide for trash collection and clean up immediately following an event, any and all costs incurred by the Town in collecting trash and/or cleaning the event site shall be assessed to the Owner. Such charges shall be in addition to any fines imposed. Failure to satisfactorily provide trash collection and clean up following an event may constitute grounds

for the denial of future Special Events permits held by the Owner and/or the same Special Event in subsequent years.

(E) Event activities shall not interfere with or create public safety issues due to increased parking on surface streets adjacent to the event location.

(F) In accordance with the Town's fee ordinance, the Owner shall be required to assume all costs incurred by the Town relative to any necessary town services needed or requested to support the event, such as barricading, sanitation, traffic control measures, or safety and security measures. To assist in budget planning for the Special Event, at the time a permit application is approved, Town staff shall provide a good faith estimate of such costs, which estimate may be superseded by actual costs incurred. Should the Owner fail to reimburse the Town within 30 days after the Special Event for such costs incurred by the Town, the Town shall have the right to take any and all actions under Indiana law, including filing a lawsuit, to recover all costs incurred, which shall include reasonable attorney's fees, in any court of competent jurisdiction.

(G) An Owner may need to obtain additional permits from other communities if those jurisdictions are reasonably anticipated to be impacted and permits are required by ordinance.

EXCEPTIONS.

Non-profit organizations and educational institutions that hold a series of related events in a calendar year that qualify as Special Events may be considered a single Special Event that only requires the approval of one application annually. Fees may be waived at the discretion of the Town Manager.

EXCLUSIONS.

The provisions of this subchapter shall not apply to Town events held on Town of McCordsville property.

PERMIT APPLICATION.

The Owner shall complete an application provided by the Town. The application is not considered complete until the fee is submitted.

ISSUANCE OF PERMIT.

Once an application is submitted, it shall be reviewed for completion. In arriving at its decision to issue a permit, the Town will consider the completeness of the application, demonstrated compliance with the provisions of this subchapter, past experience with the same event, and the event's anticipated effect to cause or create public safety issues. Should a permit be denied, the Town staff shall make written findings identifying the reasons for its denial. Town staff shall make all efforts to review an application within 14 days of submission. However, if staff determines that an application is incomplete or requests additional information be provided, the review process may be delayed.

APPEAL.

If denied, an Owner may appeal the staff's findings to the Council for review and consideration. The notice of appeal shall be filed with the Clerk-Treasurer within 5 days of the staff's denial of the permit.

PENALTY.

(A) The Town may seek injunctive relief to prevent threatened violations of this subchapter.

(B) The Town's enforcement officers may stop a Special Event that is occurring without a permit.

(C) Persons determined to need a permit and who fail to receive a permit prior to a Special Event may be fined not more than $2,500 per violation.

(D) Persons found to be in violation of this subchapter may:

i. Be fined not more than $2,500 per violation; and/or

ii. Have all subsequent permits in that calendar year revoked or denied.

(E) Remedies for violation of this subchapter shall be cumulative and not mutually exclusive.

(F) The Town shall have the authority to take any and all necessary legal and equitable actions to enforce the provisions of this chapter. Should enforcement of this subchapter require the utilization of the services of the Town Attorney, the violator shall, in addition to any fines imposed, be responsible for and shall pay all such reasonable attorney fees incurred by the town.

Section 2: This Ordinance shall be in full force and effect immediately.

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ADOPTED BY THE COUNCIL OF THE TOWN OF MCCORDSVILLE, INDIANA this _____ day of _____, 2024.

MCCORDSVILLE TOWN COUNCIL

FOR:		AGAINST:
_____	Greg Brewer	_____
_____	Scott Jones	_____
_____	Dr. Bryan Burney	_____
_____	John Price	_____
_____	Chad Gooding	_____

ATTEST:

_____
Stephanie Crider, Clerk-Treasurer