

BILL NO.G-18-05-12

GENERAL ORDINANCE NO. G-_____

**GENERAL ORDINANCE AMENDING CHAPTER
118: FESTIVALS, SECTION 118.02 OF THE
CITY OF FORT WAYNE CODE OF ORDINANCES**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FORT
WAYNE COMMON COUNCIL:**

**SECTION 1. That Chapter 118: Festivals, Section 118.02 be
amended as follows:**

**§ 118.02 FESTIVAL-RELATED ACTIVITIES ON CITY-OWNED
PROPERTY OR RIGHTS-OF-WAY, INCLUDING STREETS, SIDEWALKS
AND ALLEYS.**

AMEND:

(D)

(2) The city shall not charge for the first 100 hours of festival police overtime expenses during any festival. The festival sponsor shall be billed and responsible for 25% of the police overtime expenses incurred by the City Police Department after the initial 100 hours of festival overtime expenses are reached.

AMEND:

(E) Fire Department festival support services.

(1) For any official festival event or unofficial festival activity the Fort Wayne Fire Department will provide to the event's or activity's sponsor the following services:

(a) Fire Department personnel and equipment to provide water rescue boat patrols, when requested and deemed necessary for water sport

1 or festival events on any of Fort Wayne's three rivers.

2
3 ADD:

4 (E)

5 (3) Fire Department cost recovery. All festivals shall be subject to the
6 payment of user fees to the Fire Department for fire department overtime
7 expenses according to the following terms:

8 (a) Thirty days prior to the commencement of an official festival
9 event, the festival sponsor shall notify the Fire Department of the date and
10 time the event will occur and meet with the Fire Department to determine any
11 additional costs that may be incurred.

12 (b) The bill for fire overtime expenses to be paid by the festival
13 sponsor shall be presented to the festival sponsor by the Civil City
14 Accounting Department within one month after the conclusion of the festival.

15 **SECTION 2.** That this Ordinance shall be in full force and effect
16 January 1, 2019, from and after its passage and any and all necessary
17 approval by the Mayor.

18
19 _____
20 Council Member

21
22 APPROVED AS TO FORM AND LEGALITY

23
24 _____
25 Carol Helton, City Attorney

CHAPTER 118: FESTIVALS

Section

118.01 Definitions

118.02 Festival-related activities on city-owned property or rights-of-way, including streets, sidewalks and alleys

§ 118.01 DEFINITIONS.

For the purposes of this chapter, the terms stated below shall have the following meanings:

FESTIVAL. An event held for more than one day with a special title and conducted in one location or more, promoted to attract patrons from the city and surrounding communities, which is planned, named and executed under the total auspices of a not-for-profit organization.

FESTIVAL SPONSOR. An organization, association, individual or business which plans, names and administers a festival.

FESTIVAL POLICE OVERTIME EXPENSES. Direct expenses incurred by the City Police Department for compensation to police officers for overtime hours worked during a festival for protection of festival-related events and festival attendees.

OFFICIAL FESTIVAL EVENT. An event or activity sponsored and/or promoted by the festival sponsor.

UNOFFICIAL FESTIVAL ACTIVITY. An event or activity open to the public during a festival but which is sponsored by an organization, association, individual or business not affiliated with the festival sponsor.

(Ord. G-17-93, passed 5-4-93; Am. Ord. G-22-95, passed 8-8-95)

§ 118.02 FESTIVAL-RELATED ACTIVITIES ON CITY-OWNED PROPERTY OR RIGHTS-OF-WAY, INCLUDING STREETS, SIDEWALKS AND ALLEYS.

Any festival which has official festival events held partially or entirely on city-owned property or rights of way, including streets, sidewalks and alleys, or whose attendees create a need for police protection due to motor vehicle or pedestrian traffic on public rights of way, shall be subject to the payment of various user fees to the city, as described below:

(A) Leasing city-controlled parking lots. The Board of Public Works shall establish a policy and a rental schedule for the leasing of city-controlled parking areas: the City-County Building Parking Lot, the Freimann Square Parking Lot and the Old Fort Parking Lot.

(B) Utilizing city parks. The Fort Wayne Board of Parks and Recreation shall establish a policy and a rental schedule for the use of city parks.

(C) Festival right-of-way permits. The City Right-of-Way Department shall administer all barricade, sidewalk and parade permits. The Board of Public Works shall establish policies, regulations, liability insurance requirements and fees for barricade permits issued for the use of city rights-of-way during a festival. Such policies, regulations, liability insurance requirements and fees must include, but shall not be limited to, the following:

(1) If the sponsor of an unofficial festival activity is a single business entity located within the area where the activity is to occur, said sponsor may not receive a barricade permit for more area of city right-of-way than is directly adjacent to the property of said business entity.

(2) Failure to comply with any policy, regulation or requirement issued by the Board of Public Works shall be grounds to revoke a barricade permit.

(D) Police Department cost recovery. All festival sponsors held partially or entirely on city-owned property or rights-of-way, including streets, sidewalks and alleys, shall be subject to the payment of user fees to the city for festival police overtime expenses according to the following terms:

(1) Thirty days prior to the commencement of an official festival event, the festival sponsor shall notify the City Police Department of the date and time the event will occur.

(2) The city shall not charge for the first 100 hours of festival police overtime expenses during any festival. The festival sponsor shall be billed and responsible for 25% of the police overtime expenses incurred by the City Police Department after the initial 100 hours of festival overtime expenses are reached. ~~Notwithstanding the foregoing, in no event shall the festival sponsor be responsible for payment of festival police overtime expenses which exceed the total festival police overtime expenses billed to the festival sponsor for the same festival in the previous calendar year, plus an additional 10%, regardless of the total~~

~~amount of festival police overtime expenses incurred by the City Police Department.~~

(3) The bill for police overtime expenses to be paid by the festival sponsor shall be presented to the festival sponsor by the Civil City Accounting Department within one month after the conclusion of the festival.

(4) The festival must pay the festival police overtime expense bill no later than November 30 of the year in which the bill was incurred.

(5) Festival sponsors who conduct a festival with a duration of one day or less will be exempt from payment of festival police overtime expenses.

(6) Before any barricade permit may be issued to the sponsor of a festival subject to division (D)(2) of this section, the permit applicant must post a cash or surety bond in the amount determined by the city to be the equivalent of 25% of the additional police overtime incurred by the city during the same festival in the previous calendar year, unless such cash or surety bond is waived by the Board of Public Works.

(7) If the City Police Department rents barricades to assist in traffic and crowd protection related to an official festival event, even if the festival sponsor pays for no police overtime expenses, those barricade charges will be passed on to the festival sponsor. Similarly, if the Police Department rents barricades to assist in traffic and crowd protection related to an unofficial festival activity, those barricade charges will be passed on to sponsor of the unofficial festival activity. In the event that barricades are rented by the Police Department for use in an area directly between official and unofficial events, the costs for those barricades will be divided evenly among all adjacent sponsors.

(E) Fire Department festival support services.

(1) For any official festival event or unofficial festival activity ~~with a duration of one day or less~~, the Fort Wayne Fire Department will provide, at no cost to the event's or activity's sponsor, the following services:

(a) ~~Seuba team rescue squads~~ Fire Department personnel and equipment to provide water rescue boat patrols, when requested and deemed necessary for water sport or festival events on any of Fort Wayne's three rivers.

(b) Fire Department personnel and equipment to provide fire watch for fireworks events.

(c) Fire Department personnel and equipment, when requested and deemed necessary, to assist with Emergency Medical Services

(2) For official festival events only, the Fort Wayne Fire Department shall provide property wash-down services at rates adopted through the Comprehensive Fee, Fine and Penalty Schedule City of Fort Wayne Municipal Ordinance 41.07.

(3) Fire Department cost recovery. All festivals shall be subject to the payment of user fees to the Fire Department for fire department overtime expenses according to the following terms:

(a) Thirty days prior to the commencement of an official festival event, the festival sponsor shall notify the Fire Department of the date and time the event will occur and meet with the Fire Department to determine any additional costs that may be incurred.

(b) The bill for fire overtime expenses to be paid by the festival sponsor shall be presented to the festival sponsor by the Civil City Accounting Department within one month after the conclusion of the festival.

(Ord. G-17-93, passed 5-4-93; Am. Ord. G-22-95, passed 8-8-95)