

TOWN OF KIRKLIN, INDIANA

ORDINANCE NO. 2026-9-3

AN ORDINANCE ESTABLISHING REQUIREMENTS FOR

SPECIAL EVENTS CONDUCTED ON TOWN-OWNED PUBLIC PROPERTY

WHEREAS, the Town of Kirklin owns and maintains parks, streets, sidewalks, public grounds, and other property for the use and benefit of the public; and

WHEREAS, certain organized events conducted on Town-owned property may involve increased attendance, temporary structures, vendors, amplified sound, food service, electrical equipment, or other activities that may create additional safety, liability, maintenance, or operational concerns for the Town; and

WHEREAS, the Town Council desires to establish reasonable and uniform procedures for the use of Town-owned property for special events while protecting Town property and promoting the health, safety, and welfare of residents, event participants, and the general public;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF KIRKLIN, INDIANA, AS FOLLOWS:

SECTION 1. PURPOSE

The purpose of this Ordinance is to establish reasonable requirements for special events conducted on property owned or controlled by the Town of Kirklin and to provide a consistent process for reviewing and approving requests for such use.

SECTION 2. DEFINITION OF SPECIAL EVENT

For purposes of this Ordinance, a "Special Event" means an organized event, activity, gathering, fundraiser, festival, celebration, competition, performance, market, exhibition, or similar temporary activity conducted on Town-owned or Town-controlled property that is beyond the ordinary and customary use of the property.

Examples may include, but are not limited to:

- Fundraisers;
- Festivals, fairs, and community celebrations;
- Organized performances or entertainment;
- Markets or events involving vendors;
- Events involving temporary structures, tents, stages, inflatables, generators, or other equipment;
- Organized events involving food preparation or sales;
- Events involving amplified sound;
- Events involving a significant number of participants or spectators; and
- Other organized activities determined by the Town to require additional review because of their nature, size, location, equipment, or potential impact on Town property or public safety.

Ordinary individual or family use of Town parks and public spaces that does not involve the characteristics described above shall not constitute a Special Event solely because multiple persons are present.

SECTION 3. SPECIAL EVENT APPLICATION REQUIRED

Any person, organization, business, nonprofit organization, or other entity seeking to conduct a Special Event on Town-owned or Town-controlled property shall submit a completed Town of Kirklin Special Event Application & Agreement before conducting the event.

Submission of an application does not constitute approval of the event or guarantee the applicant the use of the requested property.

No Special Event subject to this Ordinance shall be conducted until the Town has approved the application.

SECTION 4. APPLICATION REQUIREMENTS

The Town may require an applicant to provide information reasonably necessary to evaluate the proposed event, including, but not limited to:

1. Applicant and organization information;
2. Date, time, and location of the proposed event;
3. Description and purpose of the event;
4. Estimated attendance;
5. Description of temporary structures, tents, canopies, awnings, or other temporary structures which have a potential for collapse, stages, inflatables, generators, electrical equipment, or other equipment;
6. Information regarding vendors, food service, or merchandise sales;
7. Plans for parking, traffic, sanitation, trash removal, and cleanup;
8. Information concerning amplified sound or entertainment;
9. Safety and emergency information when reasonably necessary;
10. Proof of insurance when required by the Town; and
11. Any additional information reasonably necessary for the Town to evaluate the proposed use of Town property.

SECTION 5. INSURANCE

The Town may require an applicant to provide a Certificate of Insurance demonstrating liability insurance appropriate to the nature and scope of the proposed event and shall require Certificates of Insurance providing insurance coverage in the sum of \$1,000,000 per occurrence/\$2,000,000.00 general aggregate (unless the Town requires a higher level of coverage because of level of risks) for all events which include inflatable or amusement equipment, tents, canopies or other structures creating a collapse hazard, alcohol, fireworks, or open flames.

When required by the Town, the applicant shall name the Town of Kirklin, Indiana, as an additional insured for the event.

Insurance requirements may vary depending upon factors including, but not limited to, anticipated attendance, activities conducted, equipment used, vendors, food service, temporary structures, alcohol, or other circumstances affecting the potential risk associated with the event.

Any insurance requirements shall be communicated to the applicant as part of the application and approval process.

SECTION 6. RESPONSIBILITY FOR PROPERTY AND CLEANUP

The applicant shall be responsible for:

1. Leaving Town property in substantially the same condition in which it existed before the event;
2. Removing all trash, decorations, temporary structures, equipment, and other materials associated with the event;
3. Complying with all applicable laws, ordinances, rules, and conditions of approval; and

4. Paying for damage to Town property caused by the applicant, its participants, vendors, contractors, agents, or activities, to the extent permitted by law.

The Town may impose reasonable cleanup or restoration requirements as a condition of approval.

SECTION 7. SAFETY AND USE OF TOWN PROPERTY

Applicants shall conduct Special Events in a manner that does not unreasonably endanger participants, spectators, Town employees, or the general public.

Nothing may be attached to, altered, removed from, or installed upon Town property without prior Town authorization.

The Town may impose reasonable conditions relating to the placement and use of tents, temporary structures, electrical equipment, generators, inflatables, cooking equipment, signage, barricades, or similar items when necessary to protect public safety or Town property.

Applicants remain responsible for obtaining any permits, inspections, licenses, or approvals required by state law, county ordinance, fire code, health regulations, or other applicable law.

SECTION 8. APPROVAL AND CONDITIONS

The Town may approve an application, approve it subject to reasonable conditions, or deny an application.

In reviewing an application, the Town may consider:

1. Whether the proposed location is available;
2. Whether the event is appropriate for the requested Town property;
3. The anticipated number of attendees;
4. Potential damage to Town property;
5. Public health and safety considerations;
6. Traffic, parking, and access concerns;
7. Interference with previously scheduled Town activities or previously approved uses;
8. The applicant's ability to satisfy applicable insurance and safety requirements; and
9. Whether the event can reasonably be conducted in compliance with applicable laws and Town requirements.

Approval or denial shall not be based upon the applicant's viewpoint, message, beliefs, political affiliation, religious affiliation, or other constitutionally protected expression.

SECTION 9. AUTHORITY TO MAINTAIN APPLICATION AND ADMINISTRATIVE REQUIREMENTS

The Town is authorized to maintain a Special Event Application & Agreement and related administrative procedures consistent with this Ordinance.

The Town may revise the application, administrative procedures, insurance requirements, and reasonable conditions of use from time to time without amendment of this Ordinance, provided that such requirements remain consistent with this Ordinance and applicable law.

SECTION 10. OTHER PERMITS AND APPROVALS

Approval of a Special Event Application by the Town does not relieve an applicant from obtaining any other permit, license, inspection, or approval required by federal, state, county, or local law.

SECTION 11. REVOCATION OF APPROVAL

The Town may revoke or suspend approval of a Special Event if:

1. Material information contained in the application was false or misleading;
2. The applicant materially fails to comply with the conditions of approval;
3. The event creates an immediate threat to public health or safety;
4. Required insurance is canceled or otherwise becomes ineffective; or
5. Circumstances arise that make use of the Town property unsafe or unlawful.

SECTION 12. NO WAIVER OF GOVERNMENTAL IMMUNITY

Nothing contained in this Ordinance or in any Special Event Application & Agreement shall be construed as a waiver of any defense, immunity, limitation of liability, or other protection available to the Town of Kirklin or its officers, employees, or agents under Indiana law.

SECTION 13. SEVERABILITY

If any provision of this Ordinance or its application to any person or circumstance is held invalid or unenforceable, the remaining provisions shall not be affected and shall remain in full force and effect.

SECTION 14. EFFECTIVE DATE

This Ordinance shall be in full force and effect upon passage and adoption in accordance with Indiana law.

PASSED AND ADOPTED by the Town Council of the Town of Kirklin, Indiana, this 14th day of September, 2026.

TOWN COUNCIL OF THE TOWN OF KIRKLIN, INDIANA



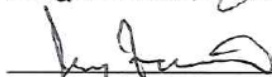
Melinda Jobe, President



Brent Stetler, Vice-President



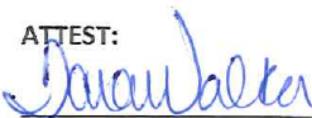
Craig Hudzinski, Member



Jerry Faucett, Member

Member

ATTEST:



Clerk-Treasurer