



CITY OF CARMEL

SPECIAL EVENT/FACILITY USE POLICY

Individuals, businesses, and organizations may request, through the City of Carmel's ("City") Board of Public Works and Safety ("Board"), to use certain City facilities or property, collectively referred to in this policy as "City facilities" or "City property," including but not limited to the Civic Square Fountain Area, Civic Square Gazebo and Lawn, Japanese Garden, Midtown Plaza, Monon & Main Plaza, Reflecting Pool (excluding the area known as Veterans Memorial Freedom Circle and Plaza), Sophia Square, and City Hall Caucus Rooms and City Council Chambers, to host special programs/events.¹ Individuals, businesses, and organizations also may request street closings. All approved programs/events and street closings must adhere to this Special Event/Facility Use Policy.

Requests for use of City facilities or property generally are reviewed and granted on a first-come, first-served basis, subject to the exceptions discussed below. In accepting and reviewing requests, the City is committed to, and endeavors to effectuate, the robust protections of the First Amendment of the United States Constitution. Thus, so long as the expressions sought to be advanced with a requested use of City facilities or property are within the bounds of the First Amendment's protections, the City remains committed to community members' right, with very few exceptions, to be free from government abridgement of speech and expressive conduct, and will review requests consistently with that commitment.

SPECIAL EVENT/FACILITY USE REQUEST PROCEDURES

- A. REQUEST AND SUBMITTAL DEADLINE:** Any individual, business, organization, or other entity seeking to request ("Requestor") a street closing, use City facilities or property (other than City Hall Caucus Rooms or City Council Chambers) at a time it is otherwise closed to the public, or host a special program or event on or at City facilities or property that is reasonably expected or desired to result in a gathering of at least fifty persons, shall complete and submit the online Special Event/Facility Use Request Form and Acknowledgement Agreement and attach any additional documents (if applicable) as described below. For any request to use the City Hall Caucus Room(s) or Council Chambers, regardless of the expected size of the gathering, Requestor shall complete the City Hall Caucus Room or Council Chambers Request Form and Acknowledgement Agreement and attach any additional documents (if applicable) as described below. All request submission requirements for street closing and/or use of City facilities are referred to in this policy as the "Event Form."

The Event Form must be submitted **a minimum of 60 days prior to the planned date of the event or activity**. Approval of the request must be granted by the Board, which meets on the first and third Wednesday of each month. The Board will not generally consider any Event Form which does not meet the 60-day submittal deadline. However, the Board recognizes that under certain circumstances, such as responses to current events, a timely submitted Event Form is not practicable. Accordingly, the Board will excuse untimeliness of an Event Form where the Requestor has demonstrated that the Event Form could not have been requested sooner despite the Requestor's reasonable diligence and efforts to comply with this deadline, and the

¹ Veterans Memorial Freedom Circle and Plaza is not available for use, as it is considered a solemn memorial honoring living and deceased American Veterans.

purposes of the timeliness requirement—including an ability for the City to prepare the resources necessary to safely and reasonably sustain the event—are not unreasonably impeded. Requestors will receive notices by email regarding a submitted Event Form.

B. SECURITY DEPOSITS AND EVENT FEES:

Individual, business, or organization **located or residing inside of the City’s corporate limits:**

- A refundable Security Deposit in the amount of \$100 is due upon submission of the Event Form.
- The security deposit will be refunded to the extent it is not used to pay for the cost of repairing any damage or clean-up associated with the use of the Facility.

Individual, business, or organization **located or residing outside of the City’s corporate:**

- A non-refundable event fee in the amount of \$150 is due upon submission of the Event Form.

The event fee applies only when reserving a City facility or property. All Requestors remain liable for the cost of repairing any damage or clean-up associated with the use of the City facility or property that exceeds the amount of the security deposit or fee. Final determination of damages shall be made by the City’s Facilities Manager or his/her designee.

Requests will not be processed until security deposit and/or event fee payments have been received. Payment may be made online using a credit or debit card by [clicking here](#) and entering Pay Location Code (PLC number) A0026j or by calling 1-888-604-7888 (give them PLC#).

A Requestor may check available dates prior to completing the Event Form and making payment by calling City Hall at 317-571-2400.

GENERAL TERMS AND CONDITIONS

- A. PRIORITY OF APPROVAL:** Use of a City facility for a **City-sponsored function shall take priority** over its use for all other purposes, regardless of any prior approval. In addition, an annual or ongoing event shall be given preference over a one-time event. Otherwise, all requests will be granted on a first-come, first-served basis. Event Forms may be submitted to the Board up to twelve (12) months in advance of the activity or event date.
- B. CONFORMITY OF PURPOSE:** The requested use of a City facility must conform to the design and intended function of the facility.
- C. COMPLIANCE TO APPLICABLE LAWS:** The requested use of the City facility shall, at all times, comply with all applicable federal, state, and local laws and regulations and must not be injurious to the public health, safety, or general welfare. By submitting an Event Form, the Requestor **expressly agrees** that the proposed event will not include engagement in expressive speech or activity that:
- (i) Tends to incite immediate breach of the peace;
 - (ii) Constitutes serious expression of an intent to commit an act of unlawful violence towards a particular individual or group;
 - (iii) Is obscene or constitutes public indecency under state law, IC § 35-45-4-1;
 - (iv) Exposes minors involuntarily or without the consent of the minor’s parent or guardian to any conduct or activity that is sexually explicit because the average person, applying

contemporary adult community standards, would find, with respect to minors, the conduct or activity is designed to appeal or pander to the prurient interest, depicts or represents, in a manner patently offensive with respect to minors, an actual or simulated sexual act, sexual contact, lewd exhibition of genitalia, and/or sexual conduct as defined in I.C. § 35-49-1-9, and, taken as a whole, lacks serious literary, artistic, political or scientific value for minors; and/or

- (v) Violates the federal, state, and/or local laws and regulations, including Carmel City Code § 6-78 Public Nuisances Offending Morals and Decency.

D. ADMISSION FEES: Requestor shall not charge an admission fee for an activity or event without prior Board approval. Voluntary donations may be solicited.

E. USE OF POLICE OR FIRE EMERGENCY MEDICAL SERVICES (EMS): Events requiring the use of either Police and/or Fire Emergency Medical Services (EMS) must be coordinated by the Requestor via email with the Carmel Police Department Special Events Coordinator and/or the Carmel Fire Department Planning Division. A copy of this communication must accompany the Event Form for the Board's approval process. This process will allow off-duty Carmel police or fire personnel to be hired for the event. Extra fees apply for Police or EMS services and are coordinated directly with the appropriate agency.

Carmel Police Department
Three Civic Square
Carmel, IN
(317) 571-2500

CPDSpecialEvents@carmel.in.gov

Carmel Fire Department
Two Civic Square
Carmel, IN
(317) 571-2600

CFDInfo@carmel.in.gov

F. NOTIFICATION OF AFFECTED PARTIES: If street closure is required, the Requestor is responsible for notifying all residential units, and/or business entities in the area, or along the event route prior to approval. Proof of notification must be submitted with the Event Form. Examples include an approval letter or email from the affected Homeowners' Association, a copy of an email to residents and/or businesses in the area, copies of flyers or signs, etc.

G. CLEAN UP/TRASH: Requestor shall immediately clean the City facility/property at the conclusion of the event or activity, deposit all trash into trash containers, and restore the facility/property to its original condition. Signs, banners, tables, chairs, or other equipment must be removed at the end of the event. Clean-up is the sole responsibility of the Requestor.

For large events, a trash trailer may be requested from the Carmel Street Department (see contact information under Street Barricades section). A \$150 fee may be applied.

H. TABLES, CHAIRS, ETC.: The City does not provide any supplies or equipment for non-City events.

I. STREET BARRICADES/CONES are required to block or redirect traffic during street closures and may vary in size or style depending on the location and size of the event. Requestor acknowledges

responsibility for obtaining these barricades/cones. To schedule pickup (delivery when possible) contact the Street Department a **minimum of one (1) week in advance**.

Carmel Street Department
3400 W. 131st St.
Carmel, IN 46032
(317) 733-2001
Street@carmel.in.gov

- J. **NO PARKING SIGNS** are required whenever a street closure occurs in an area where public parking is allowed. Requestor acknowledges responsibility for obtaining these signs directly from the Carmel Police Department **at least one (1) week in advance** of the event. Requestor is responsible for posting no parking signs.

Carmel Police Department
Three Civic Square
Carmel, IN 46032
(317) 571-2500
CPDSpecialEvents@carmel.in.gov

- K. **DETOUR/TRAFFIC REDIRECTION SIGNS** are required during street closures that involve multiple streets or blocks to help direct motorists. Requestor acknowledges responsibility for obtaining these signs directly from the Carmel Street Department **at least three (3) days in advance** of the event. City Engineering also may need to approve detour/redirection signs.

Carmel Street Department
3400 W. 131st St.
Carmel, IN 46032
(317) 733-2001
Street@carmel.in.gov

Carmel Engineering Department
One Civic Square
Carmel, IN 46032
317-571-2441

- L. **ROUTE MAPS, SIGNAGE, AND MARKINGS:** Events such as walks, runs, bicycle rides, parades, and block parties must include an easy-to-read, color map of the area/route to be used. The route must be submitted with the Event Form and be approved through City Engineering. If construction does not allow for the proposed route, a new route must be established **at least two (2) weeks in advance** of the event.

Requestor acknowledges responsibility for placing route signage. Route signage may be placed **no earlier than 48 hours prior** to the start of the event and must be **removed before the start of business the following day**. Signs cannot be co-located on existing street, directional, or informational signs. Requests for use of street paint must receive special approval from and adhere to all guidelines set by the Carmel Street Department.

Carmel Street Department
3400 W. 131st St.
Carmel, IN
(317) 733-2001
Street@carmel.in.gov

M. TENTS: Tents larger than 10 x 10 ft. require a permit from the Carmel Building & Code Services. Tents should be anchored by weights only. Stakes or rods of any kind are strictly prohibited to be placed in the grounds of any City facility. Tents larger than 199 sq. ft. are subject to inspection by the Carmel Fire Marshal.

(i) **Midtown Plaza tents:** To cover the entire green space at Midtown Plaza, the exclusive vendor is A Classic Party Rental, 317-251-7368. Smaller tents may be provided by other vendors or the event organizer.

For tent permits, contact:

Carmel Building & Code Services
One Civic Square
Carmel, IN
(317) 571-2444

N. OUTDOOR STAGES: The State of Indiana has regulations regarding the use of outdoor stages. Please refer to <https://www.in.gov/dhs/files/0319-Spec-Requirements.pdf>. All requests containing outdoor stage equipment are subject to these regulations. Stages may require inspection by Carmel Fire Department.

O. MUSIC: Music or other noise that is unreasonable because it disturbs, injures, or endangers the health or welfare of another or of the community or that unreasonably interferes with the use and enjoyment of City facilities or property is prohibited.

P. EQUIPMENT/SUPPLIES: The City does not provide any equipment or supplies for events, other than specific items mentioned in this policy.

Q. VENDORS: If vendors will be included in the event or activity, the Requestor must submit a list identifying definite or possible vendors with the Event Form. We understand not all vendors may be confirmed at the time of request. The number of vendors allowed at an event or activity will be guided by safety and public health considerations, including the available space at the City facility/property being used and parking and traffic considerations.

Mobile food vendors need to provide a copy of their license/permit from the Hamilton County Health Department. Vendors may set up/tear down only during the event times stated on the Event Form.

Hamilton County Health Department
18030 Foundation Drive
Suite A
Noblesville, IN
(317) 776-8500

R. TOBACCO AND ALCOHOL: Smoking is strictly prohibited in all City facilities/property. Alcohol is prohibited in City Hall Caucus Rooms and Council Chambers. With respect to events at other City facilities/property, if alcohol will be served, all applicable licensing and permitting laws must be

followed, including but not limited to, the requirement for a licensed bartender, and the approval of a temporary alcohol permit by the Hamilton County Sheriff or the Carmel Police Department Chief. The permit request can be found here: <https://www.in.gov/atc/alcohol-permit-resources/alcohol-permit-information/>.

Send the application to the address below. Following that approval, obtain final approval from the Sheriff of Hamilton County or Chief of Police of the Carmel Police Department.

Contact Indiana Excise for any questions or clarifications regarding licensing and permitting requirements.

Indiana Excise – District 3
279 W. 300 North
Crawfordsville, IN 47933
765-362-8815

Carmel Police Department
Three Civic Square
Carmel, IN 46032
317-571-2500
CPDSpecialEvents@carmel.in.gov

Hamilton County Sheriff
18100 Cumberland Road
Noblesville, IN
(317) 773-1872

- S. LOCATION OF VEHICLES:** Vehicles may not be parked or driven on the grass or sidewalks around any City facility. Vehicles loading or unloading must remain on a street or other paved area. See General Terms and Conditions, Section Z, below, for additional compliance requirements.
- T. NO STAKES OR RODS IN GROUND ALLOWED:** Items requiring anchoring must be weighted. Stakes or rods of any kind should not be put into the ground, as they are strictly prohibited on the grounds of any City facility/property. Restriction of these devices is required to avoid damage to underground wiring and irrigation systems.
- U. USE OF NAILS, TACKS, ETC.:** Requestor shall not use nails, tacks, or any similar devices to attach anything to any surface of a City facility, building, structure, or other City property.
- V. USE OF PUBLIC FIREWORKS:** The City has policies and ordinances related to fire safety and public fireworks displays. Please refer to City Ordinance D-1968-09, <https://www.carmel.in.gov/government/departments-services/fire/safety-resources/fireworks-rules-and-fire-safety-in-carmel>. Any proposed use of fireworks on City property or at a City facility must be disclosed in the Event Form and comply with all applicable City and State policies and laws.

Fireworks are subject to the City's noise ordinance, please refer to https://codelibrary.amlegal.com/codes/carmel/latest/carmel_in/0-0-0-4337#JD_6-158, and are not allowed except for the following days and times:

- (i) Between the hours of 5 p.m. and midnight on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8, and July 9;

- (ii) Between the hours of 10 a.m. and midnight on July 4;
- (iii) Between the hours of 10 a.m. on December 31 and 1 a.m. on January 1; and
- (iv) Between the hours of 5:00 p.m. and 11:00 p.m. on the day of Diwali.

Commercial fireworks companies must contact the State Fire Marshal for a display permit.
<https://www.in.gov/dhs/fire-and-building-safety/>. For questions, contact:

Carmel Fire Marshal
 210 Veterans Way
 Carmel, IN 46032
 (317) 571-2600
CFDInfo@carmel.in.gov

Approval is also required by the Indiana Department of Homeland Security:
<https://www.in.gov/dhs/fire-and-building-safety/code-enforcement/fireworks-information/>
 (317) 232-2391

- W. ELECTRICAL POWER** is available in select locations. Requestor acknowledges responsibility for identifying the full scope of electrical needs for the event, including obtaining a complete list of power needs from bands, vendors, point-of-sale systems, etc., providing his/her own generator(s) as needed, and contacting the Carmel Street Department **at least one (1) week in advance** of the event to ascertain where power is available and arrange to have it turned on for the event. If electricity is needed, please request more information about your event location.

Carmel Street Department
 3400 W. 131st St.
 Carmel, IN
 (317) 733-2001
Street@carmel.in.gov

- X. CERTIFICATE OF INSURANCE (COI):** Individuals and non-profit or for-profit organizations/businesses are required to provide a COI that includes the City of Carmel as an additional insured. The minimum coverage amount is \$1,000,000 per occurrence, \$300,000 per person, and \$50,000 for legal. The Board may increase the required amount if reasonably deemed necessary based on the size of the event and the nature of the facilities involved, including, for example, the expected attendee volume, vendors or other third parties expected to be included, whether alcohol or fireworks will be included, etc. The COI is due to the Board **no later than ten (10) days prior** to the event or activity.

- (i) In addition, if Requestor hires off-duty city employees (police, fire, EMS, or others), Requestor must show proof to the Carmel Police Department and/or Carmel Fire Department of Workman's Compensation Insurance to cover off-duty city employees.

- Y. NON-DISCRIMINATION:** Requestor shall comply with all laws that prohibit discrimination against any employee, Requestor for employment or sub-contractor (including vendors) in the performance of any duty associated with the activity or event, with respect to hire, tenure, terms, conditions, privileges of employment, and/or any matter directly or indirectly related to employment or subcontracting, because of race, religion, color, sex, disability, national origin, ancestry, age, disabled veteran status, or Vietnam era veteran status. The City reserves the right to collect a penalty as provided in IC § 5-16-6-1 for any person so discriminated against.

Z. AMERICANS WITH DISABILITIES ACT (ADA): At all times, City-owned property or facility must be used in accordance with all applicable federal, state, and local laws and regulations. Requestor acknowledges and agrees to adhere to all ADA requirements related to accessibility, including but not limited to streets, sidewalks, public restrooms, and public accommodations. Requestor further agrees to keep sidewalks clear at all times. To follow ADA rules, six feet of space is required on all sidewalks.

AA. RIGHT OF REFUSAL OR REVOCATION: The Board reserves the right to deny or revoke any request to use City facility or property, for any of the following reasons:

- (i) The proposed activity will substantially or unnecessarily interfere with traffic in the affected area;
- (ii) A sufficient number of peace officers to police and protect participants are not available;
- (iii) The concentration of persons, animals, vehicles, or things at the assembly and/or along the route will prevent proper fire and police protection and ambulance service;
- (iv) The Requestor has on prior occasions made material misrepresentations regarding the nature or scope of any event or activity previously reviewed by the Board;
- (v) The Event Form (including any required attachments and submissions) is not fully completed and executed;
- (vi) The Requestor has not tendered all required submission materials, including but not limited to any request fee, insurance certificate, or security deposit;
- (vii) The Requestor has damaged City property on a previous occasion and has not paid in full for such damage, or has other outstanding and unpaid debts to the City;
- (viii) The request evidences a risk of injury or damage to the City's resources;
- (ix) The Requestor fails to timely submit the Event Form in accordance with the requirements set forth in this Policy;
- (x) The proposed activity will interfere with activities for which the City has granted a lease or license;
- (xi) The proposed activity poses a risk of unreasonable danger to the health or safety of the public;
- (xii) The Requestor fails to obtain or demonstrates an intent to fail to obtain the liability insurance required by Section X of this policy; or
- (xiii) The Requestor or the Event Form indicates that the proposed event will include, or the event in fact includes, expressive speech or activity that:
 - (1) Tends to incite immediate breach of the peace;
 - (2) Constitutes serious expression of an intent to commit an act of unlawful violence towards a particular individual or group;
 - (3) Is obscene or constitutes public indecency under state law, IC § 35-45-4-1;
 - (4) Exposes minors involuntarily or without the consent of the minor's parent or guardian to any conduct or activity that is sexually explicit because the average person, applying contemporary adult community standards, would find, with respect to minors, the conduct or activity is designed to appeal or pander to the prurient interest, depicts or represents, in a manner patently offensive with respect

- to minors, an actual or simulated sexual act, sexual contact, lewd exhibition of genitalia, and/or sexual conduct as defined in I.C. § 35-49-1-9, and, taken as a whole, lacks serious literary, artistic, political or scientific value for minors; and/or
- (5) Violates the federal, state, and/or local laws and regulations, including Carmel City Code § 6-78 Public Nuisances Offending Morals and Decency.²

BB. EVENT COORDINATION/CITY STAFF ONSITE: The City does not provide any event planning or coordination services. Requestor is responsible for planning and executing the event. City staff are not available to be on site during the event.

CC. INDEMNIFICATION AND HOLD HARMLESS: Requestor agrees to indemnify, defend, and hold harmless the City of Carmel, Indiana and its officers, officials, agents, employees, and representatives from and against all claims, causes of action, demands, and suits of whatever type, including, but not limited to, all damages, costs, attorney fees, and other expenses, caused by any act or omission of Requestor and/or of any of Requestor's agents, officers, employees, contractors, subcontractors, or representatives arising out of and/or in connection with organization of or participation in the requested event or activity. Requestor also agrees to hold the City, the Board, and their respective officers, officials, employees, agents, and representatives harmless from any damages, costs, or expenses, including attorney fees, that Requestor may incur as a direct or indirect result of any Board action.

DD. ADDITIONAL RULES APPLICABLE TO MIDTOWN PLAZA: All events in Midtown Plaza must be free and open to the public. Midtown Plaza may not be closed for private events. No skateboards may be used on the wooden furnishings in Midtown Plaza. No motorized vehicles may be used in Midtown Plaza. Red spinning chairs must remain off of the turf in Midtown Plaza. All food trays must be returned to Sun King at the conclusion of the event/gathering.

EE. ADDITIONAL RULES AND INFORMATION APPLICABLE TO USE OF CITY HALL CAUCUS ROOM(S) AND COUNCIL CHAMBERS: (Per General Terms and Conditions, Section BB, City staff are not available to be on site during the event or to assist with event set-up or tear-down.)

CAUCUS ROOM(S)

- The large (2/3) size room is set up boardroom style with six 5-foot tables and 30 chairs. Additional chairs are along the perimeter of the room.
- The small (1/3) size room has four 5-foot tables and 10 chairs.
- Rooms may be used singly or combined.
- A Smartboard is available; however, no computer is included. Requestor will need to provide computer.
- There are no microphones in the Caucus room.
- Requestor provides extension cords, if needed.
- A podium and a whiteboard are in the room.
- Nothing may be adhered to the wall or any surface in the room.

² See, e.g., *Thomas v. Chicago Park Dist.*, 227 F.3d 921 (7th Cir. 2000), *Marcavage v. City of Chicago*, 659 F.3d 626 (7th Cir. 2011), *MacDonald v. City of Chicago*, 243 F.3d 1021 (7th Cir. 2001); *Purtell v. Mason*, 527 F. 3d 615 (7th Cir. 2008); *U.S. v. Parr*, 545 F.3d 491 (7th Cir. 2008); *Miller v. Cal.*, 413 U.S. 15 (1973).

- There is an 8.5-foot counter with a sink.

COUNCIL CHAMBERS

- The seating capacity is 112 in the theater chairs.
- The dais has 13 seats, each with a microphone. There is a presenter's podium.
- There are two tables, each with a chair, in the front of the room.
- A podium for the center of the room is available but must be requested. Otherwise, there are two side podiums.
- Extra tables may be placed around the perimeter of the room or in the hall outside the doors.

Questions regarding the City's Special Event/Facility Use Policy should be directed to (317) 571-2400.