PRIMA'S 2018 RISK MANAGEMENT
WEBINAR SERIES

Private Event
and
Post Event Safety

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Disclaimer

The material being provided in this presentation is for your general information, and is not a substitute for legal advice. Please consult your entity's attorney for advice concerning specific situations.

Webinar Takeaways

- Learn to identify the risks of private – community events as they relate to your municipality's operations and safety.
- Recognize the relationships of stakeholders in your government structure as you review and approve events.
- Understand the limitations of your municipality's application process for private – community events.
- Question the parameters for managing the safety and risks associated with Private – Community Events.

Private Event

- A singular event
- Arranged by an individual or corporation for a group of people specifically invited to an event
- An invitation is required to attend the event
- May be held in or on private property at a business or homeowner location
- May be in or on public property via a lease or permitted use agreement

Public Event

- Arranged by an individual, corporation or community organization
- An event open to the general public
- May be a singular or periodic event
- Created for the amusement of the general public or community
- Often used for fundraising or entertainment

Community Event Characteristics

- open to the public as a community event
- limited and fixed duration - typically hours or days
- a one-off or infrequent occurrence, typically monthly or annually
- an unusual component of a regular series
- require one or more organizers
- execution must be planned and controlled
- conform to the definition of a special event
- live audience other than the organizers present at the physical event location

https://specialeventguru.blogspot.com/2007/11/seeking-definition-of-special-events.html

Characteristics of Private Events in or on Public Property

Public Property

- Tax payer property
- Maintained to government standards depending upon fiscal opportunities
- Open to the public
- May be historical in nature
- Multiple egress points
- Usage must mirror the community spirit



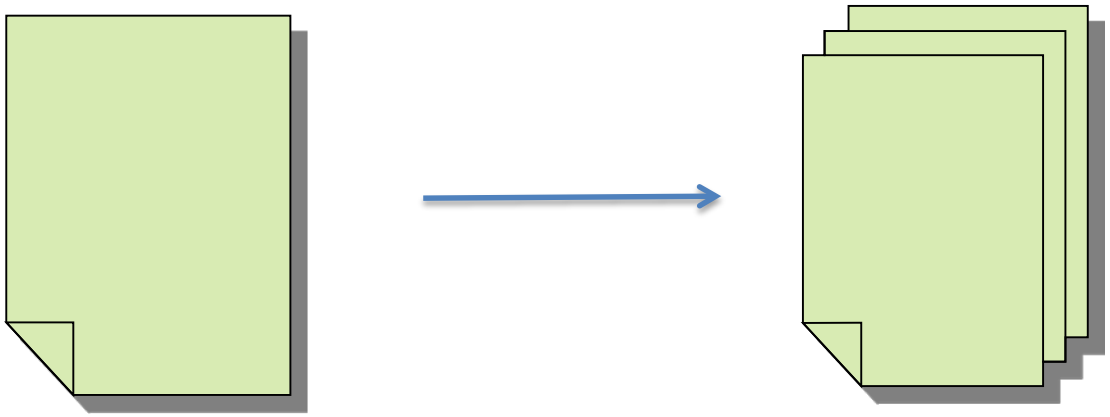
Application Process

- Name of applicant
- Type of event
- Expected attendance
- Dates and times including set-up
- Contact information
- Emergency contact information
- Caterer information
- Entertainment information
- Designer – planner information
- Event idea – concept board
- Special planned activities



Limitations of a Standard Application Form

- Application is designed to be one dimensional
- Asks basic questions prompting linear answers
- Asks for generic Insurance coverage
- Doesn’t provide the complexities of the event itself



Application Review Process

- Adds dimensional expertise
- Builds upon generic answers given certain specific requirements
- Asks questions which allow the opportunity to build out the application
- Provides an indication as to what public staffing may be needed for the event

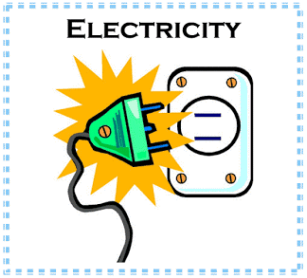
Important Stakeholders

- Public Works
- Law Enforcement
- Fire/EMS
- Facility Management
- Risk and Safety
- Code Enforcement
- Planning and Zoning
- State jurisdictional review
- Liquor authority



Venue Parameter Concerns

- Communication with public
- Electrical requirements
- Gas and propane usage
- Kitchen and catering requirements
- Liquor licensing
- Porta potties
- Safety and security
- Booths and tents
- Parking and transportation
- Traffic management







Type of Event

- Weddings
- Birthday parties
- Retirement functions
- Association conferences
- Sports tournaments
- Corporate events
- Comic-Con and Furry Festivals
- Block parties
- Film production
- Political rallies









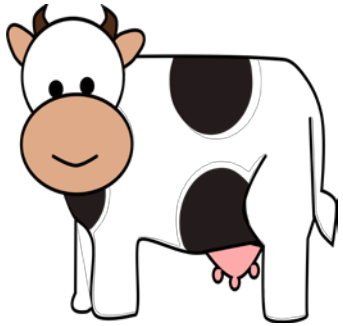
Caterers

- Department of Health licensing
- Delivery parameters
- Open flames
- Cooking and frying
- Warming and serving
- Ice and refrigeration
- Cleanup and environmental concerns
- Are you a “Green Facility”?
- Are you “tobacco free”?



Drinks

- Milk and milk products
- Soft drinks
- Water
    - Beer trucks and keggers
    - Wine and spirits
    - Liquor licensing and liability…and security





Entertainment

- Hot tubs
- Décor themes
- Bounce Houses
- Bands and DJs
- Animal Menageries
- Jugglers and Stilt walkers
- Magicians and psychics



Fireworks



- List of number and kind to be discharged
- Geographical area of dispersion
- Location of nearby power lines, buildings, telephone lines, trees, overhead obstructions
- Community notification
- State licensure of company and its employees
- Knowledge of the municipality's noise ordinance

Indoor Ambiance

- Candles and subdued lighting
- Straw and farmhouse fixtures
- Beach themes of sand, surf and bikinis
- Exotic themes of zoo animals
- Decorations and posters
- Smoke or fog machines



Outdoor Ambiance

- Staging
- Music and noise
- Obstacle courses
- Inflatable bumper balls
- Temporary fencing
- Food trucks
- Beer trucks
- Petting Zoo
- Sports activities
- Lighting









Use of Fire and Open Flames

No fire or flame shall be permitted for any function held at _____ with the exception of Sterno containers used in conjunction with food service warming equipment. Any special request for flame or fire outside the definition of fire or flame herein listed must be submitted to the Fire Chief or Fire Inspector for prior written approval. You the Lessee agree to keep any such fire, flame or burning activity closely supervised at all times. In addition and not in limitation of any other provision contained herein, you the Lessee agree to completely comply with the provisions of the _____State Uniform Fire Prevention and Building Code and with all other local, state and federal laws and regulations. Nothing in this Agreement shall be construed as to limit or excuse Lessee's responsibilities to determine whether the proposed activity on the premises complies with the applicable laws and regulations.

Review and Approval Process

- Set a base line for your community's risk tolerance for events – frequency, size, etc
- Identify the criteria of your approvals
- Understand federal, state and local regulations that may be required for the event
- Determine how the event may impact local business organizations and partnerships

Risk Transfer

Indemnification:

"You the Lessee shall indemnify and hold harmless the _____ and its Agents and Employees, from and against all claims, damages, losses and expense (including, but not limited to attorneys' fees), arising out of or resulting from the leasing of the _____, sustained by any person or persons, provided that any such claim, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property caused by the tortious act or negligent act or omission of the Lessee or it's employer, agents or subcontractors."

TULIP

- Tenant and User Liability Insurance
- Provides special event liability insurance
- Third party use of facilities
- Event specific
- Can protect the leasee and the entity against claims by third parties who may become injured at the event
- Can be purchased when the event takes place in a venue owned by a public entity

Scenario One

A wife rents one of your municipality's historical facility for a birthday party for her spouse. She provides information on her caterer, the hours of the function and the name of her band. She provides the necessary generic insurance listed on the application. You submit it through the approval process.

Scenario One's Approval Process

As the wife begins planning the birthday party with the staff of the historical facility, she mentions that her:

- decorations include lit candles throughout the room for a moonlit atmosphere, and
- plans include fireworks to go off outside on the property at a designated time, and
- guests will have fun riding the camels she's hired for the evening.

Scenario Two

Woodstock Music Festival:

- Local permits denied
- Held on a farm owned by Max Yasgur in the Town of Bethel in Sullivan County, New York
- Traffic…food…alcohol and drugs
- Sanitary issues
- A regional community nightmare



Costs of Governance

- Community safety
- Law Enforcement
- Traffic management
- Emergency Management Services
- Facility oversight of the function
- Code enforcement
- Cleanup and facility repair
- Community relations and reputation
- Potential for claims and litigation





Questions?

Thank you!

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